



**Come On Labels**

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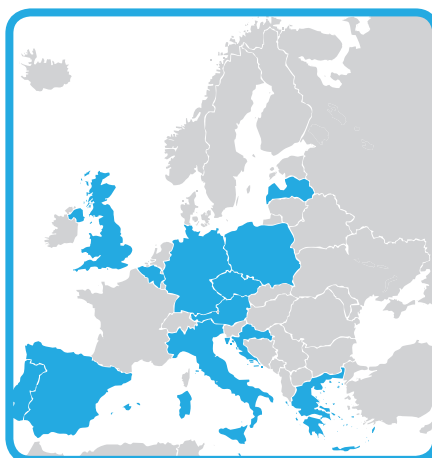
**Common Appliance Policy  
– All for One, One for All –  
Energy Labels**

**Contract N°: IEE/09/628**

**National legislation and its practical  
implementation related to energy labels  
on energy-related products**

**March 2013**

**Authors: Juraj Krivošík, SEVEN  
and the consortium of the Come On Labels project partners**



Supported by  
**INTELLIGENT ENERGY  
EUROPE**

**(Work Package 2 – Deliverable 2.2)**

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Common Appliance Policy – All for One, One for All – Energy Labels

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This document was prepared within **the Come On Labels project**, supported by the Intelligent Energy Europe programme. The main aim of the project, active in 13 European countries, is to support appliance energy labelling in the field of appliance tests, proper presence of labels in shops, and consumer education.

# 1. Introduction and summary of findings

The Come On Labels project focuses on the analysis of the implementation of the energy labels. The project considers the implementation of the legislation, review of the proper usage of energy labels in shops, monitoring of the product compliance testing, and organises promotion of the new energy labels to consumers.

This document focuses specifically on the implementation of the European labelling legislation in the 13 countries participating in the Come On Labels project. It describes the following aspects:

- how the relevant legislation has been adapted to the national legal system;
- which organisations are formally responsible for market surveillance of energy labels;
- what are the possible responsibilities defined, the staff capacities and budget allocations;
- what activities are undertaken in reality:
  - how much product testing takes place, why and what are the results
  - how many shop visits take place, why and what are the results
- what are the main barriers to increasing the level of activities;
- what opportunities and interest have been defined to improve the level of market surveillance

The level of market surveillance of energy labelling compliance has been repeatedly indicated as low or irregular in most EU member states, with little information available about the activities of individual countries, and their impacts on the market are considered to be low and not monitored. The exchange of information about individual activities has until recently been very low.

The two tables below indicate the level of enforcement activities in the year 2005, as reported in a study commissioned by ANEC (European consumer voice in standardisation) and UK DEFRA (UK Department for Environment, Food and Rural Affairs)<sup>1</sup> for selected EU member states (not identical to the Come On Labels consortium). These indicate in most cases either no activities undertaken or that little information is available about the results and impacts of the activities undertaken.

Member State	Shop inspections 2005	Reported enforcement action
Finland	250 shops inspected	Compliance letters issued
Denmark	100 shops inspected	Compliance letters issued Control visit carried out Police reports filed
Germany	Yes – not reported centrally	Not reported centrally
United Kingdom	Yes – not reported centrally	Not reported centrally
The Netherlands	700 shops inspected	Compliance letters issued
France	A number of shops inspected through a study	No actions
Austria	Yes – not reported	Compliance letters issued

<sup>1</sup> A review of the range of activity throughout Member States related to compliance with the EU Energy Label regulations in those countries, January 2007, [http://www.anec.eu/attachments/ANEC-R&T-2006-ENV-008%20\(final\).pdf](http://www.anec.eu/attachments/ANEC-R&T-2006-ENV-008%20(final).pdf)



Member State	Shop inspections 2005	Reported enforcement action
Italy	Yes – not reported	Not reported
Greece	Yes – report to be presented	Not reported
New EU member states:		
- Czech Republic	Inspections initiated in Bulgaria and Romania	Not reported
- Bulgaria		
- Poland		
- Lithuania		
- Romania		

Member State	Tests 2005	Reported enforcement action
Finland	Few (<10) appliances tested	No enforcement actions
Denmark	Comprehensive tests (63 appliances and 10 A bulbs)	Reimbursement of costs of testing and handling
Germany	No testing	No enforcement actions reported
United Kingdom	Few tests for enforcement. Many tests by MTP* and EST**.	No enforcement actions
The Netherlands	Comprehensive tests (100)	Compliance letters issued
France	No testing	Not reported
Austria	No testing	No enforcement actions
Italy	Few tests	Not reported
Greece	No testing	No enforcement actions
New EU member states:		
- Czech Republic	No testing	No enforcement actions
- Bulgaria		
- Poland		
- Lithuania		
- Romania		

\* UK Market Transformation Programme

\*\* UK Energy Saving Trust

Since this period, the level of activities has improved and increased in certain areas. The following central activities are undertaken to increase the level of surveillance activities:

- ADCO labelling and ecodesign working groups<sup>2</sup> regular meetings (members: EU Member State Market Surveillance Authorities)
- Intelligent Energy Europe projects focused on market surveillance:
  - ATLETE and ATLETE II<sup>3</sup> projects testing refrigerators and washing machines (Members: national energy agencies, manufacturers, consultancies, NGOs)

<sup>2</sup> <http://ec.europa.eu/transparency/regexpert/index.cfm?do=groupDetail.groupDetail&groupID=2601>

<sup>3</sup> [www.atlete.eu](http://www.atlete.eu)



- Ecopliant<sup>4</sup> project, focusing on ecodesign verification (members: EU Member State market Surveillance Authorities)
- Other projects: e.g. PremiumLight<sup>5</sup> (testing and promoting high quality light sources), CompliantTV (testing TVs and monitors), MarketWatch (compliance monitoring by NGOs)
- Come On Labels project, monitoring and supporting surveillance activities, cooperating with authorities, visiting shops, collecting product test information and promoting energy labels to consumers.

Individually, across the 30 member states of the European Economic Area, 80 full-time equivalent staff are estimated to work on Ecodesign minimum energy performance standards and labelling compliance with a similar level of staff supporting store inspections of compliance with labelling directives. In terms of financial resources, it is estimated that total expenditure on S&L monitoring and enforcement is about €7 million per year across the entire EU region. Some 800 to 1500 tests are estimated to be carried out annually<sup>6</sup>.

## Summary findings for individual countries

The Come On Labels project partners have communicated and cooperated individually with the Market Surveillance Authorities in their countries and prepared an overview of activities, opportunities and barriers related to energy labelling market surveillance activities. The following are examples of some of the activities described in the main deliverable:

A positive example of an increase of the level of surveillance activities came from the **Czech Republic**, which has in the past visited only a limited number of shops, to verify the presence of energy labels, e.g. 4 in the year 2010. In the year 2011 this increased to 18 shops surveyed, and in 2012 to close to 300 shops. Overall results have been published in a press release. Authority representatives agreed to maintain this level of shop visits also for future years. In 2011, six refrigerating appliances were tested for electricity consumption and all have been found compliant with the label declaration. No other product tests are currently expected.

**Austria** reports 70 shop visits per year, with last year identifying 70 products not being labelled. This level of shop surveillance is considered by the authorities as sufficient and does not expect more controls in the future. No product testing takes place in Austria, but active participation to ADCO labelling group is confirmed.

In **Belgium**, 1,3 full time staff equivalent work at the ministry responsible for the legislation adaption and inspectorate responsible for its implementation, and 0,2 full time equivalent responsible for energy labelling related ecodesign and environmental product issues. In 2011, some 202 shops have been surveyed, and 3330 products declared as non-compliant out of almost 20 thousand surveyed. Over the last 4 years (2009 – 2012) 46 products have been tested, mainly light sources, refrigerators and dishwashers, no sanctions have been applied, some lamp manufacturers have adapted the product packaging. Testing three units under the Step 2 is considered as one of the most prohibitive reasons, due to its costs, for not conducting more product tests, and for the future national laboratories will be encouraged to get full accreditation.

<sup>4</sup> [www.ecopliant.eu](http://www.ecopliant.eu)

<sup>5</sup> [www.premiumlight.eu](http://www.premiumlight.eu)

<sup>6</sup> Waide, P., 2011. "Overview and Update of the ERP Directive, Energy Labeling Directive and Eco-label in the European Union", Presented at the Asian Energy Efficiency Standards and Labeling Forum, Guilin, China, 15 November 2011 and EEDAL International Conference on Energy Efficiency in Domestic Appliances and Lighting, Copenhagen, Denmark, May 2011.



The situation in **Germany** is more fragmented, since the surveillance activities take place by individual federal states. The recast of the German legislation on labelling, as a reaction to the EU Energy Labelling directive recast, has strengthened the role of market surveillance, e.g. by introducing the requirement to set up a market surveillance plan, and reporting requirements. An example from the federal state *Hesse* includes a cooperation between the authorities and retailers, not only in ensuring correct labelling but also actively promoting efficient appliances. In *Bavaria*, laboratory testing of LED lamps is envisaged for 2013, related both to the energy labelling and ecodesign requirements. *Rhineland-Palatine* reports on 211 shop visits (including both first-time and follow-up visits) and 18 cases of administrative fines conducted. *Baden-Wuerttemberg* focused on an agreement between the federal state's ministry of environment and the local authorities, including a specific target for conducting market surveillance and establishing a management system comprising both labelling in shops and product testing. Results of activities are shared on a national level in the Bund-Länder working group, and internationally within the ADCO group on market surveillance.

The **Italian** surveillance authority is planning to implement a programme of checks on lighting products in the period 2013 - 2014 as part of a Memorandum of Understanding with the Italian Union of Chambers of Commerce, in cooperation with the chambers of commerce in the area, which includes the inspections of manufacturers and distributors as well as carrying out tests in selected laboratories. In general it is expected that suppliers must provide the technical documentation of the controlled product and, in case of doubt, the demonstration of compliance through the results of laboratory tests. The monitoring costs are borne by the Authority. While few product tests take place in Italy, for 2013 – 2014 about 70 light sources are planned to be tested. As for the cooperation and international information exchange opportunities, Italian representatives appreciate the co-funding of market surveillance actions by the EU programmes and the European Commission offer of both financial support and the opportunity to meet with other Authorities and related institutions to share experience, compare procedure and when possible results. Also, EU centralised market surveillance actions and studies, developed by the European Commission such as the 2008 shop survey, or the funding of Round Robin tests are welcomed.

One of the countries where little labelling compliance verification activities take place is **Latvia**, where no product testing and limited shop visits take place. However, Latvia can benefit significantly from the international cooperation. The 'Nordic project', focusing on market surveillance of the Nordic countries, also invites Baltic countries for cooperation and the Latvian authority has confirmed its interest to receive the results and learn from its best practice.

The legislation in **Malta**, for example, includes the right of the Technical Regulations Division to request technical documentation in electronic format from suppliers within a specific timeframe and in case of potential and actual non-compliance cases, to order the supplier to forward the evidence concerning the accuracy of the information supplied on their labels or fiches and take the necessary preventative steps to ensure compliance. Some 20 formal shop visits took place in 2012 and 20 are planned for 2013, and while no formal fines have been issued, information meetings and retailer trainings have been organised to inform non-compliant shops about their obligations related to energy labelling. No product tests take place, with one of the arguments being the lack of a national accredited laboratory, but an interest in international exchange of experience and best practice was confirmed.

The last country to fully transpose the Energy Labelling directive has been **Poland**, which was officially and publicly urged by the European Commission to adapt it. The legislation was issued in September 2012 and entered force in Poland on February 1<sup>st</sup>, 2013. Two organisations are responsible for the market surveillance, one for all energy related products except TVs, and one for TVs only (and other electronic equipment for other surveillance matters). Due to the late approval of the legislation, no formal shop visits



and product tests have yet been reported. A plan for testing 12 products has been announced for 2013, but the product categories have not yet been selected. Lack of financial resources and other priorities (dangerous products) are reported as the main barrier, but there is also an interest for international projects and active sharing and adaption of best practice.

Some 450 appliances and 300 compact fluorescent light bulbs have been specifically checked for label presence in **Spain** in the period of 2011 – 2012. In addition, some 36 products have been tested for label compliance by the market authorities in the period of 2008 – 2011. The surveillance activities take place by the Regional Governments, with additional related activities being undertaken by the national energy agency, organising a subsidy scheme, and individual tests being published by a manufacturer association.

The **United Kingdom** is one of the EU countries conducting regular product testing and shop surveillance visits. Its Advertising Standards Authority is also responsible for advertising and distance selling requirements. The approach of the National Measurement Office is to combine market surveillance with business support in order to increase compliance. In 2012, 188 retailers were visited, with average compliance over 70%, and 28 thousand products captured with over 60% compliant. Shops with a non-compliance rate of 50-100% products displayed were revisited; others received immediate advice followed by a letter requesting evidence of compliance. As regards product testing, the overall review of activities is not known; individual cases have been published in the form of press releases. The Energy Saving Trust's voluntary scheme covering 20% of the top energy efficient products carried out 15 tests in 2010 – 2011 and 9 tests in 2011 – 2012, results of which have been discussed with the suppliers and national authorities.

The national market surveillance authority in **Greece** performed 7 shop visits in 2012 to check the proper labelling of electric household appliances and 60% compliance was identified. Recommendations have been made but no fines have been applied so far. No products were tested due to economic restrictions. Specific plans for the number of shop visits and product testing have not been announced yet for 2013, but the authority is interested to overcome the existing barriers and to expand its activities.

Countries reporting no or very little formal labelling surveillance activities, include **Croatia** and **Portugal**, each one of those, however, confirms an interest in obtaining best practice information and sharing the experience on international level.

**The research made by the Come On Labels projects in 13 European countries shows the following results:**

- **Products tested:**

The most commonly tested product categories are lamps, refrigerators and dishwashers. In most cases, the test results are not available, and many of the surveyed countries perform no testing at all, or perform only few individual tests.

Seven out of the surveyed countries performed no tests in the recent years, three countries performed individual (anecdotal) tests, and only two countries performed tests on a regular basis (activities in this field for one country not available to the public).

In total, some 124 tests have been mentioned for the period of the last 3 years.

- **Shops visited:**

Five countries seem to organise shop visits with a certain surveillance plan, three countries conduct the visits based on individual cases (e.g. consumer complaints), three countries did not organise any shop visits recently, and two countries did not disclose any information.





Out of the countries reporting some activities in this field, over one hundred shops are visited per year on average (ranging from 10 to 300).

Information about fines imposed and summary results of such visits is largely unpublished, with very few exceptions.

- **Main barriers:**

Main barriers mentioned by the surveyed authorities are in most cases very similar ones:

Different priorities, lack of financial resources, lack of human capacities. In some cases, it is also a declaration of a lack of national accredited laboratories.

- **Main opportunities:**

Most of the country representatives have claimed the international exchange of experience and best practice, as well as in some cases an interest for international projects, as the best possible ways for improving the situation.

It seems to be therefore important to support the authorities with best practice and experience sharing, to obtain and learn from benchmarking, lesson learning and for achieving higher resource efficiency.

One worrying fact is that while the survey focused on energy labelling activities, some of the authorities have also specifically stated that they are unable to perform any **ecodesign** related surveillance activities and for the nearest future have no intention of doing so. Some countries plan some formal check of the technical documentation, but claimed no plan for performing product testing.



### Summary overview results:

Country:	Austria	Belgium	Croatia
<b>Type of legislation:</b>	Electrical engineering legislation	Energy Law	Energy Law
<b>Surveillance Authority:</b>	Federal Ministry of Economy, Youth and Family	State Inspectorate	State Inspectorate
<b>Shop visits:</b>			
<b>Number</b>	In total 70 shops are visited and controls on internet and catalogues	202 shop visits in 2011.	37 products checked for label presence in 2011. 14 in 2010.
<b>Results</b>	70 infringements overall; (in some shops several infringements and in some shops no infringements)	83% compliance	30% compliance (but non-random selection)
<b>Action</b>	producers would receive warnings on possible fines and have to respect an imposed deadline	Penalties in individual cases	Penalties in individual cases
<b>Product tests:</b>			
<b>Number</b>	No testing	25 lamps in 2010 12 fridges in 2010-2011 5 dishwashers in 2012	1 in 2012
<b>Products</b>	–	See above	Washing machine
<b>Results</b>	–	Non-compliance: 22 lamps 1 fridge no results on dishwashers (coming soon)	Non compliance with other legislation
<b>Action</b>	–	No penalty 1 change on energy label for 1 fridge. Successful negotiation for changing lamps info.	Penalty
<b>Barriers identified:</b>	Lack of suitable test labs	Lack of budget, lack of capacity and different priorities	Lack of budget, lack of capacity and different priorities
<b>Opportunities defined:</b>		Information, experience and best practice exchange (done in meetings of cooperation between administrations - ADCO)	Information, experience and best practice exchange



Country:	Czech Republic	Germany	Greece
<b>Type of legislation:</b>	Energy Law	Commercial Law	Joint Ministerial Decision
<b>Surveillance Authority:</b>	State Energy Inspectorate	Various (Länder level; partly regional / local level)	4th Sectoral Industrial Policy Directorate, Ministry of Development, Competitiveness, Infrastructure, Transport and Networks
<b>Shop visits:</b>			
<b>Number</b>	18 in 2011 Some 300 in 2012	Unknown	7 shops in 2012
<b>Results</b>	64% compliance	–	60% compliance
<b>Action</b>	Penalties in individual cases	–	No fines have been applied, only recommendations have been made.
<b>Product tests:</b>			
<b>Number</b>	6 in 2011	Unknown	No product was tested in laboratory during 2012.
<b>Products</b>	Refrigerators	–	–
<b>Results</b>	Expected compliance (electric consumption tested only)	–	–
<b>Action</b>	No	–	–
<b>Barriers identified:</b>	Priorities / Capacities / Budget	Distributed responsibilities / Capacities / Priorities / Budget	Capacities / Budget
<b>Opportunities defined:</b>	Information, experience and best practice exchange	New federal legislation strengthening market surveillance and introducing reporting requirements; information exchange (database on tests)	Information, experience and best practice exchange



Country:	Italy	Latvia	Malta
<b>Type of legislation:</b>	General Law relative to the dispositions to fulfil the obligations linked to Italy's membership in the EU that allows the transposition of the specific Directive under the Commercial Law	Regulations of the Cabinet of Ministers	PRODUCT SAFETY ACT (CAP. 427)
<b>Surveillance Authority:</b>	Ministry for Sustainable Development, DG per il Mercato, la Concorrenza, i Consumatori, la Vigilanza e la Normativa Tecnica – Divisione XVI	Consumers Rights Protection Centre	Technical Regulations Division within the Malta Competition and Consumer Affairs Authority (MCCAA)
<b>Shop visits:</b>			
<b>Number</b>	15+54 in 2012 by ENEA + around 10-15 by the Financial Police Approx. 40-50 in 2013	–	20 shop visits in 2012* 20 shop visits in 2013 (planned in Q1)**
<b>Results</b>	Only the ones under the Come On Labels project are published	–	34% compliance in 2012***
<b>Action</b>	None by ENEA, Financial fines in individual cases (but not made publicly available) by the Financial Police	–	Education of retailers (conferences / training seminars); Penalties in extreme cases
<b>Product tests:</b>			
<b>Number</b>	Very few on air-conditioners before 2009 performed by manufacturers or manufacturers' associations None in 2009-2012	None	None
<b>Products</b>	–	–	–
<b>Results</b>	–	–	–
<b>Action</b>	No	–	–
<b>Barriers identified:</b>	<ul style="list-style-type: none"> <li>- Insufficient human resources</li> <li>- start-up of a new activity is complex and slow</li> <li>- priority level is not high</li> <li>- the authority is undersized for the actions</li> <li>- too many other subjects to deal with economic resources</li> </ul>	<ul style="list-style-type: none"> <li>- Budget, and capacities</li> </ul>	Priorities, capacities, budget
<b>Opportunities defined:</b>	<ul style="list-style-type: none"> <li>- co-funding of market surveillance actions</li> <li>- opportunity to share with other MSA and related institutions</li> <li>- EU centralised market surveillance actions and studies</li> </ul>	Some product test results in cooperation through the Nordic project	Information, experience and best practice exchange

\* MCCAA, National Market Surveillance Programme 2012: <http://www.mccaa.org.mt/loadfile/1466c248-2972-4074-8a04-e08cb40869b1>

\*\* MCCAA, National Market Surveillance Programme 2013: <http://www.mccaa.org.mt/loadfile/69e4b82b-afc5-45c0-ab9b-52ebb522ff65>

\*\*\* According to Come On Labels shop visits conducted in September/October 2012



Country:	Poland	Portugal	Spain
<b>Type of legislation:</b>	Act on the obligations to provide information about the energy consumption of energy-using products.	Consumer protection law	Law of health, commerce and industry.
<b>Surveillance Authority:</b>	Office of Competition and Consumer Protection (UOKiK) Office of Electronic Communications (UKE)	Food and Economic Safety Authority	National Consumption Institute - INC and Regional Governments
<b>Shop visits:</b>			
<b>Number</b>	Not done yet	None in 2011 and 2012	In 10 Regions, number of shops not known but 450 domestic appliances checked in total in 2012 and 305 CFLs in 2011
<b>Results</b>	-	-	n.a.
<b>Action</b>	-	-	n.a.
<b>Product tests:</b>			
<b>Number</b>	UOKiK Planned 12 in 2013 (fourth quarter) UKE: Not definite yet	None in 2011 and 2012	– About 40 by IDAE in 2008–2012 – About 75 by Regional Governments in 2011 and 2012 – About 20–30 tests by manufacturers in 2010–2012
<b>Products</b>	Not defined yet	-	Washing machines Refrigerator-freezers Freezers Washer driers Dishwashers Others (TVs)
<b>Results</b>	-	-	
<b>Action</b>	-	-	
<b>Barriers identified:</b>	The main barrier is budget	Priorities / Capacities / Budget	Personnel/ Budget
<b>Opportunities defined:</b>	International projects	Information, experience and best practice exchange	Exchange of information and best practice



**Country:** United Kingdom

**Type of legislation:** Energy Conservation Law

**Surveillance Authority:** Department for environment, food and rural affairs (Defra)

### Shop visits:

**Number** Pre-2012: no data available  
2012: 188 shops visited by NMO (28,000 products); unknown numbers by Trading Standards teams

**Results** Products: 60% compliance  
Shops: 70% compliance

**Action** Penalties in individual cases

### Product tests:

**Number** Unknown numbers carried out. The NMO has an annual budget to test products, but no specifics are available on the numbers and types of products tested.  
EST (Energy Saving Trust) tested 15 in 2010/11; 9 in 2011/12.

**Products** NMO: Refrigerators, lamps, plus others  
EST: Cold appliances

**Results** Some non-compliance. Some case studies published on NMO website.  
EST: 75% pass rate

**Action** NMO: Worked with manufacturer to resolve the problem.  
EST: Discussions with manufacturers

**Barriers identified:** Priorities / Capacities / Budget

**Opportunities defined:** Information, experience and best practice exchange

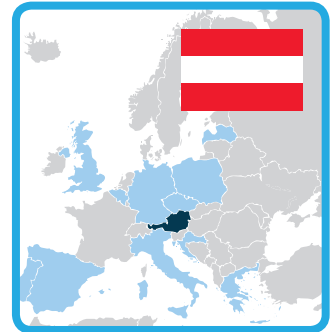
## Country Overview

### 2 Country: Austria

#### 2.1 National legislation

- **Under which national legislation did your country transpose the Directive defining the revised framework for Energy Labelling (2010/30/EU)?**
  - **Name of the legal act:** Produkte-Verbrauchsangabenverordnung 2011 – PVV 2011
  - **when was is transposed / entered force:** 22nd July 2011
  - **what type of law it is:** ordinance under the law for safety and energy efficiency of electrical products and installations (ETG 1992)
- **Does the national legislation or related administrative documents or guidelines stipulate precisely how the compliance of the energy label should be verified?**

Yes, the national legislation follows the wording of the directive closely.  
This Regulation implements Directive 2010/30/EU on the indication of the consumption of energy and other resources by energy-related products by using standardised labels and standard product information.

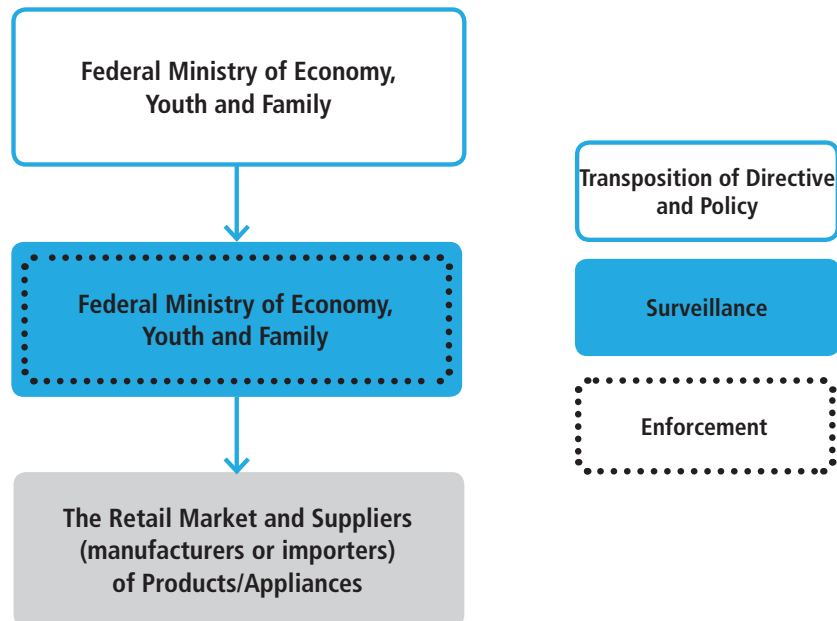


#### 2.2 Overview of national authorities and institutions

- **Information about stakeholder role, responsibilities (tasks, activities) and resources involved in the energy labelling process:**

Authorities and Institutions	Formal role	Resources	
		Staff	Budget
Federal Ministry of Economy, Youth and Family	Legislation and implementation	The market surveillance is concerning LVD, EMC, ecodesign and labelling is performed by the Federal Ministry of Economics, Family and Youth. The data is not available in the detail as required.	
	Market surveillance		
Regional district administration (85 districts in 9 provinces)	Responsible for issuing the fines, exact amount can be proposed by the Federal Ministry		





## 2.3 Overview of national market control and verification activities

### 2.3.1 Enforcement system

- **Description of national implementation procedures and systems of fines that are in place according to the country's legal system.**  
The Federal Ministry of Economy, Youth and Family, is the responsible authority for market surveillance of energy related products. Fines are according to ETG 1992 §17 of up to 7,260 EUR.
- **Who is eligible to issue fines or prosecutions and in which case**  
Fines are issued by the regional district administrations; the BMWFJ can propose the amount of the fine.
- **What approach might be taken according to the legislation – possible size of penalties, market removal, publishing results, or other sanctions.**  
For the assessment of the fine, the amount of the risk and whether the commercial dimension is taken into account.

### 2.3.2 Description of real activities

About 70 shop visits per year resulting in about 70 administrative orders.

#### SHOP VISITS:

- **How many take place on an annual basis:**  
In total 70 shops are visited.
- **What are the results – % of proper label display, does the authority follow results by the types of shops and/or the types of products, if yes, is it possible to share these results?**  
Overall 70 products were found to be incorrectly labelled. In some shops several infringements and in other shops no infringements took place.



- **Fines/ actions – does the authority apply any sanctions, if yes, are there any rules (e.g. interval of compliance of % of properly displayed labels, notification letters in 1st step, etc.)?**  
Infringements of the energy labeling regulations lead in normal circumstances to an official letter claiming that the energy labeling must be brought in line with the legal regulation. Further sale is prohibited until the situation is corrected, the retailer has a time frame of two weeks to modify. Non-compliance can result in a penalty of up to € 7 260.
- **How are shops chosen for visits? (randomly, by location, consumer complaints, previous visits)**  
Objective is to cover the whole territory of Austria evenly and to check over all distribution channels. Representatives of the Austrian Federal Ministry of Economy, Family and Youth are carrying out surveillance regularly. The market surveillance is covering the whole country and is taking into account all sizes of enterprises (wholesale as well as smaller electric shops). In addition the desktop market surveillance of online offers in internet shops is becoming more important.
- **Results publishing – are the overall results published in any way? Where?**  
No such legal requirement.
- **Any monitoring of the most common mistakes (wrongly displayed labels, etc.)?**  
No such legal requirement.
- **Did the introduction of the new energy labels result in any changes? (e.g. improved display in shops)**  
No.

### PRODUCT TESTS:

- **How many products are tested annually in Austria for label compliance**  
No action
- **Plans for 2013:**  
**Is the level of activities changing every year? What are the specific plans (for shop visits and product tests) for 2013 and beyond?**  
The authority representatives have expressed no need for changes.
- **Label vs. Ecodesign:**  
**This information research focuses on labelling activities. Are they organised in direct link with ecodesign? (e.g. the same people, budget, product groups, test activities?)**  
Yes.

## 2.4 Barriers and opportunities to higher level of activities

### 2.4.1 Barriers for higher level of activities

- **What are the reasons for the level of activities (n. of tests and shop visits) not being higher?**  
The Austrian authority considers the compliance rate of shops as sufficient; and therefore sees no need to “bother businesses with more controls”.



## 2.4.2 Opportunities for higher level of activities

- **Are the results of surveillance activities shared nationally and/or internationally?**  
Results are reported to Commission
- **Any interest in further exchange of experience and specific activities?**  
Austria is actively participating in the Labelling ADCO

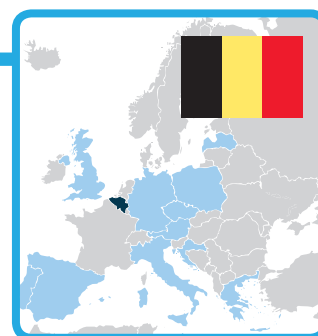
## 2.5 Resources and source of information

- **Literature – publicly available and related to the topic**  
Produkte-Verbrauchsangabenverordnung 2011 - PVV 2011  
<http://www.ris.bka.gv.at/GeltendeFassung.wxe?Abfrage=Bundesnormen&Gesetzesnummer=20007379>  
Market Surveillance Programme 2012]  
<http://www.bmwfj.gv.at/TechnikUndVermessung/Elektrotechnik/Documents/Markt%C3%BCberwachungsprogramm%202012%20V1%200-ws.pdf>
- **Interviews conducted – with whom and when**  
Interviews with the Federal Ministry of Economy, Youth and Family: January – February 2013 via telephone and email; meeting with Ministry in March 2013.

### 3 Country: Belgium

#### 3.1 National legislation

- **Under which national legislation did your country transpose the Directive defining the revised framework for Energy Labelling (2010/30/EU)?**
  - **Name of the legal act:** “Arrêté royal concernant l’indication, par voie d’étiquetage et d’informations uniformes relatives aux produits, de la consommation en énergie et en autres ressources des produits liés à l’énergie”
  - **when was is transposed / entered force ?:** 13th August 2011
  - **what type of law it is (environmental, energy, commercial, other)?:** Energy law
- **Any note or comment about any specific issue or problem related to the adaption of the legislation:**  
In mid-2011, 5 delegated regulations established in the frame of the new Directive 2010/30/EU were published. Half a dozen delegated regulations to be published in 2012 and 2013.  
No difficulty has occurred in the transposition of the revised framework directive. No need to transpose the implementing delegated regulations.
- **Does the national legislation or related administrative documents or guidelines stipulate precisely how the compliance of the energy label should be verified?**  
Yes, in particular article 5 of the legal act stipulates that the appliances are collected free of charge and tested at the Ministry expense according to the testing programme submitted to the laboratory (the programme includes the main safety tests required by the standards – generally harmonized – applied to the concerned device category). The parties involved in the commercial chain are kept informed of the progress of the files concerning them, in particular of the test results. In case of major non-compliance, there is a possibility of reviewing another device (collected and sealed at the same time as the first). This review may be attended by the stakeholders (representative of the manufacturer, representative of their recognised organisation, etc.).

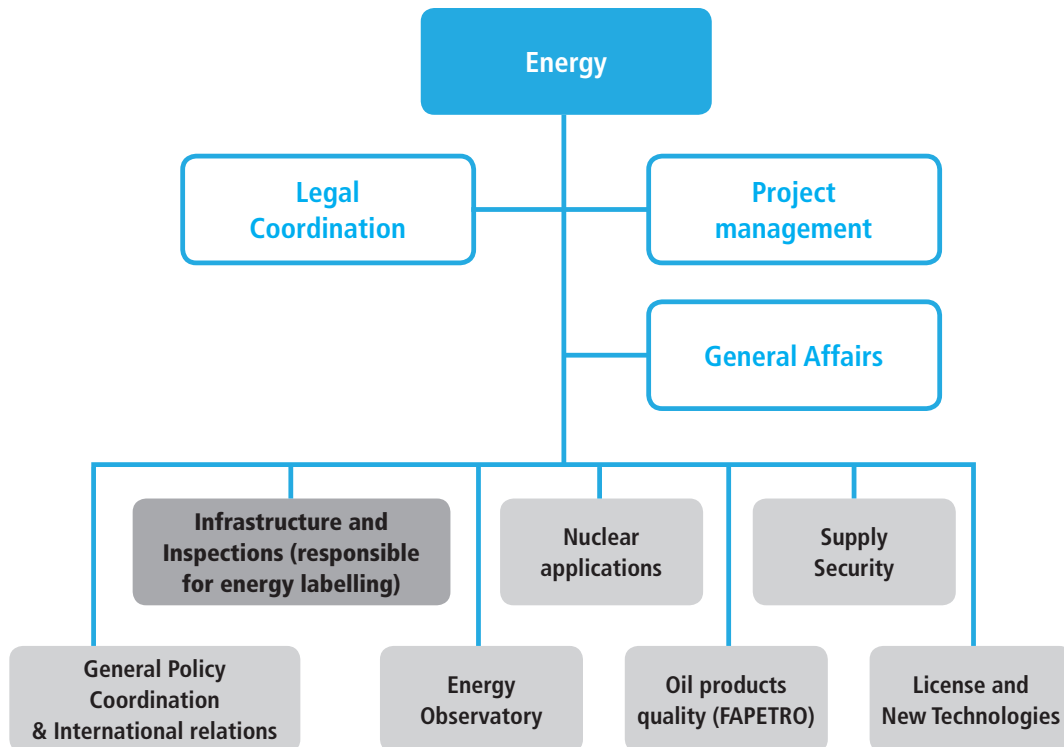


#### 3.2 Overview of national authorities and institutions

Authorities and Institutions	Formal role	Resources	
		Staff	Budget
Direction générale Energie - Infrastructure et Contrôles SPF Economie, P.M.E., Classes moyennes et Energie	Ministry responsible for legislation adaption, Inspectorate responsible for implementing verification activities	1,3 Full time equivalent	75 000 €
SPF Santé publique, Sécurité de la Chaîne alimentaire et Environnement Direction générale Environnement	Ministry responsible for ecodesign legislation adaption, Inspectorate responsible for environmental purpose-Links with energy labelling	0,2 Full time equivalent (in relation with energy labelling and inspections)	15 000 €



### DG Energy (Belgium)



## 3.3 Overview of national market control and verification activities

### 3.3.1 Enforcement system

- **Description of national implementation procedures and systems of fines that are in place according to the country's legal system.**

In the case of confirmation of the non-conformities, the procedure can go to a ban of the device by Ministerial Decree. There are (for example) routinely on average 20 to 30 bans per year (which are communicated to the CE and the other Member States) for the safety of electrical appliances. The same procedures are in place for the energy labelling.

Reference: "6 AVRIL 2010. - Loi relative aux pratiques du marché et à la protection du consommateur"

- **Who is eligible to issue fines or prosecutions and in which case?**

The "Direction Générale Energie - Infrastructure et Contrôles » SPF Economie » is in charge of issuing prosecutions.

- **What approach might be taken according to the legislation – possible size of penalties, market removal, publishing results, or other sanctions?**

The appliances are collected free of charge (as required by law) and tested at the Ministry expense according to the testing programme submitted to the laboratory (the programme includes the main safety tests required by the standards – generally harmonized – applied to the concerned device category).



The parties involved in the commercial chain are kept informed of the progress of the files concerning them, in particular of the test results. In case of major non-compliance, there is a possibility of reviewing another device (collected and sealed at the same time as the first). This review may be attended by the stakeholders (representative of the manufacturer, representative of his recognised organisation, etc.). In the case of confirmation of the non-conformities, the procedure can go to a ban of the device by Ministerial Decree. There are on average 20 to 30 bans per year (which are communicated to the CE and the other Member States).

There is also a visual inspection (CE marking, markings, declarations of conformity, technical visuals) which takes place on-site (importers, distributors, retailers) and covers a few thousand devices per year (targeted on the basis of experience), so as to maintain control on the market control. The detected non-conformities result in warnings, requests for correction, voluntary withdrawal etc. In severe cases, this can go up to fines and prohibitions.

### 3.3.2 Description of real activities

#### SHOP VISITS:

- **How many take place on annual basis?**  
202 shop visits were conducted in 2011.
- **What are the results - % of proper label display, does the authority follow results by the types of shops and/or the types of products, if yes, is it possible to share these results?**  
3330 products were declared non-compliant over 19 547 products, it means an overall result of 17% of non-conformity.  
The results of non-compliant household appliances are approximately:
  - Electric ovens: 66%
  - Air conditioners: 36%
  - Lamps < 10 %
  - Tumble-driers, dishwashers, washing machines, refrigerating appliances ~ 50%
- **Fines/ actions – does the authority apply any sanctions, if yes, are there any rules (e.g. interval of compliance of % of properly displayed labels, notification letters in 1st step, etc.)?**  
Some penalties can be imposed on individual retailers, but information about individual cases (size or frequency) is not always available. There is on average 20 to 30 banned products per year (which are communicated to the EU and the other EU Member States) – mainly related to product safety. Penalty cases may be issued based on complaint confirmation requests from individual consumers. Penalties are under the law of energy.
- **How are shops chosen for visits (randomly, by location, consumer complaints, previous visits)?**  
20 to 30 inspectors are sent all over the country.  
Several criteria are chosen:
  - when there is some information given by ADCO or State Members over non-compliant products
  - when some complaints are issued from customers
  - when some information are given by internal Ministries
  - when some shops are known by previous visits or indicated by the Police



- **Results publishing – are the overall results published in any way? Where?**  
The results are shared among ADCO members.
- **Any monitoring of the most common mistakes (wrongly displayed labels, etc.)?**  
Not formally, strictly following the legislation in terms of product and label definitions.
- **Did the introduction of the new energy labels result in any changes (e.g. improved display in shops)?**  
Not strictly analysed by the surveillance authority as such, the general perception is that the new energy labels has improved the label display rate.

### PRODUCT TESTS:

- **How many products are tested annually?**  
Please see the figures below.
- **Which products are tested - the same every year or changing?**  
2009: 4 fridges tested  
2010: 2 led lamps + 23 CFL lamps + 7 fridges  
2011: 5 fridges  
2012: 5 dishwashers
- **Who is testing (lab) and how is the laboratory selected?**  
Four to five laboratories are testing, depending on their abilities to control appliances; three of them are specialised for example for electric appliances. We can name:  
AIB Vinçotte  
SGS Cebec  
ISSEP  
Laborelec  
More @ Mere
- **Results of the tests - % of compliance, etc.**  
Lamps (2010): 22 out of 23 had the wrong packaging information  
Fridges (2010 – 2011):  
3 out of 12: class on label were OK  
6 out of 12: manufacturers reacted by arguing they were within the + 15% tolerance  
For 3 out of 12, it was necessary to further compare the data and measurements in details: controversial between manufacturer's and ministry's laboratories  
One brand immediately performed retests on 3 more samples with results (energy consumption in kWh/year): 280,9 / 284,8 / 286,9. The average (284,2) being within the + 15% tolerance
- **Resulting actions – any sanctions applied?**  
No sanctions have been applied. Negotiation has taken place with lamp manufacturers, for adapting their packaging to energy legislation.  
For fridges (2010-2011), Manufacturers have responded with explanation arguments which were assessed and ultimately accepted.





- **How are product categories and specific models selected for tests (randomly, consumer compliant, previous problems)?**  
The choice of the appliances to be tested is based on criteria allowing authorities to target the appliances which are potentially problematic: complaints, knowledge of problems and accidents in Belgium and abroad, results of previous campaigns, European joint campaigns (within the frame of the ADCO, cooperation between administrations), and contacts with customs, police and public prosecutor.
- **What is the laboratory selection process? Any possibility to choose foreign laboratory?**  
Controls on « energy efficiency » were carried out within the framework of certain electrical laboratories and gas laboratory because of their expertise in electrical measurements / gas parameters. In the future foreign laboratories will have the possibility to submit tender applications.
- **Are the test results published or shared in any way?**  
The regular contacts with the EC and the other Member States within the framework of the ADCO (Ecodesign and Energy labelling) and the corresponding information about the test results of devices in other countries, provides the opportunity to share results.
- **Any issues raised (testing difficulties, clarity of testing procedures and results, supplier acceptance of test results etc.)?**  
As said before manufacturers have responded with contradictory arguments for tests on fridges (2011). Even if a similar approach is only adopted as for safety controls, it is not possible at the moment to go to prohibitions by Ministerial Decree. Indeed, the laboratories are not (yet) accredited for performance measurements (accreditation is expensive), and the standards are only partially harmonized. As a result, actions involve warnings, asking for corrections, fines, but no ban (for the present).  
The imposition of carrying out tests on 3 other devices in case of non-compliance, also limits the possibilities to move towards a ban. This will only be possible in cases of clearly proved erroneous indication. Meanwhile, the checks carried out allow the authority to inform the market that a monitoring is being installed (in particular of the accuracy of the indications on the label).
- **Did the introduction of the new energy labels and definition of compliance verification bring any changes? (e.g. in number of tests, clarity of actions, difficulties in test procedures)**  
It has simplified controls (the problem of the strip of the old label has disappeared).

### Plans for 2013:

- **Is the level of activities changing every year? What are the specific plans (for shop visits and product tests) for 2013 and beyond?**  
Due to the fact that there is a rising amount of products with labels, it means that the number of tests will also increase. However, the financial has crisis led to lower activities.  
It is likely that a campaign on TV appliances will take place in 2013.

### Label vs. Ecodesign:

- **This information research focuses on labelling activities. Are they organised in direct link with ecodesign? (e.g. the same people, budget, product groups, test activities?)**  
There is a close collaboration between “DG SPF Santé publique” in charge of Eco-design and the “DG SPF Energie - Infrastructure et Contrôles” in charge of energy labelling and controls. For market surveillance, the two DG’s inform themselves on their planned campaigns of shop visits and test activities. In that way



they can sometimes collaborate, for example in the 2010 campaign on lamps they did work together. Staff and budgets for the two DG's are separated.

### 3.4 Barriers and opportunities to higher level of activities

#### 3.4.1 Barriers for higher level of activities

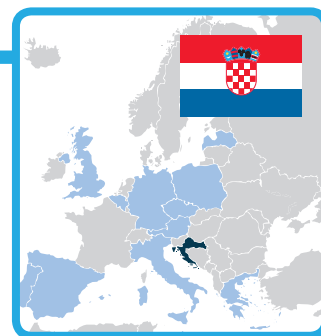
- **What are the reasons for the level of activities (n. of tests and shop visits) not being higher?**  
The lack of financial resources is certainly a barrier for having higher levels of activities, the full 3 tests process would increase the needed budget by two or three. There is a high level of experience of staff whatsoever.

#### 3.4.2 Opportunities for higher level of activities

- **What opportunities are considered to improve / increase the level of activities?**  
Further definition and selection of the shop visits to be visited, increasing the awareness of shop assistants. European exchange of information on surveillance activities considered as beneficial including a specific guidance for individual activities.
- **Are the results of surveillance activities shared nationally and/or internationally?**  
The regular contacts with the EC and the other Member States within the framework of the ADCO (Ecodesign and Energy labelling) and the corresponding information about the test results of devices in other countries, should be noted.
- **Any interest in further exchange of experience and specific activities?**  
According to the authority, there is no need for further activities.

### 3.5 Resources and source of information

- **Internet:**  
[http://economie.fgov.be/fr/consommateurs/Energie/Developpement\\_energie/Efficacite\\_energetique/Labelling/#Mise\\_en\\_Oeuvre](http://economie.fgov.be/fr/consommateurs/Energie/Developpement_energie/Efficacite_energetique/Labelling/#Mise_en_Oeuvre)
- **Interview**  
(11th February 2013) conducted by Guillaume Amand (Centre Urbain) with a representative of SPF Economie, P.M.E., Classes moyennes et Energie - Direction générale Energie Division Infrastructure et Contrôles



## 4 Country: Croatia

### 4.1 National legislation

- **Under which national legislation did your country transpose the Directive defining the revised framework for Energy Labelling (2010/30/EU)?**

- **Name of the legal act:** Energy Act (OG 68/01, 177/04, 76/07, 152/08, 127/10)
- **When was it transposed:** in force since 7th September 2011
- **Type of law (environmental, energy, commercial, other):** Energy law

- **Any note about any specific issue or problem related to the adaption of the legislation?**

The Energy Act (OG 68/01, 177/04, 76/07, 152/08, 127/10) introduces in its article 13 the obligation of energy efficiency labelling for household appliances. The appliances covered by the obligation as well as design and content of labels for every appliance type are specified in the Ordinance on Energy Efficiency Labelling of Household Appliances (OG 130/07). It has to be noted that the first issuance of the Ordinance occurred in 2005, so that the labelling is obligatory in Croatia since 2006. Therefore, it can be concluded that Croatia fully transposed the umbrella Labelling Directive 92/75/EEC and implementing directives. Directive 2010/30/EU has been transposed into Croatian law through the Ordinance on product information of the consumption of energy and other resources by energy-related products (NN 101/11).

The “new” Labelling Directive (2010/30/EC) is now adopted and hereafter the analysis will focus on requirements of the recast and their repercussions to the existing Act and Ordinance.

- **Does the national legislation or related administrative documents or guidelines stipulate precisely how the compliance of the energy label should be verified?**

Yes it does. As regards labelling, the Energy Act stipulates that all electric appliances must carry energy efficiency labels. An ordinance of November 2005 has transposed all relevant EU directives. The implementing directives for some appliances have been transposed, including procedures and responsibilities related to the conformity assessments by accredited bodies and market surveillance by the State Inspectorate.

The European EcoDesign Directive was transposed into Croatian national law through the Act on Energy end-use efficiency (NN 152/08). It provides the framework for transposition of the eco-design directive but does not cover the issue of energy labeling as it is covered by the Energy Act. The Ordinance on eco-design requirements was published in official Journal: Narodne Novine, NN 97/09.

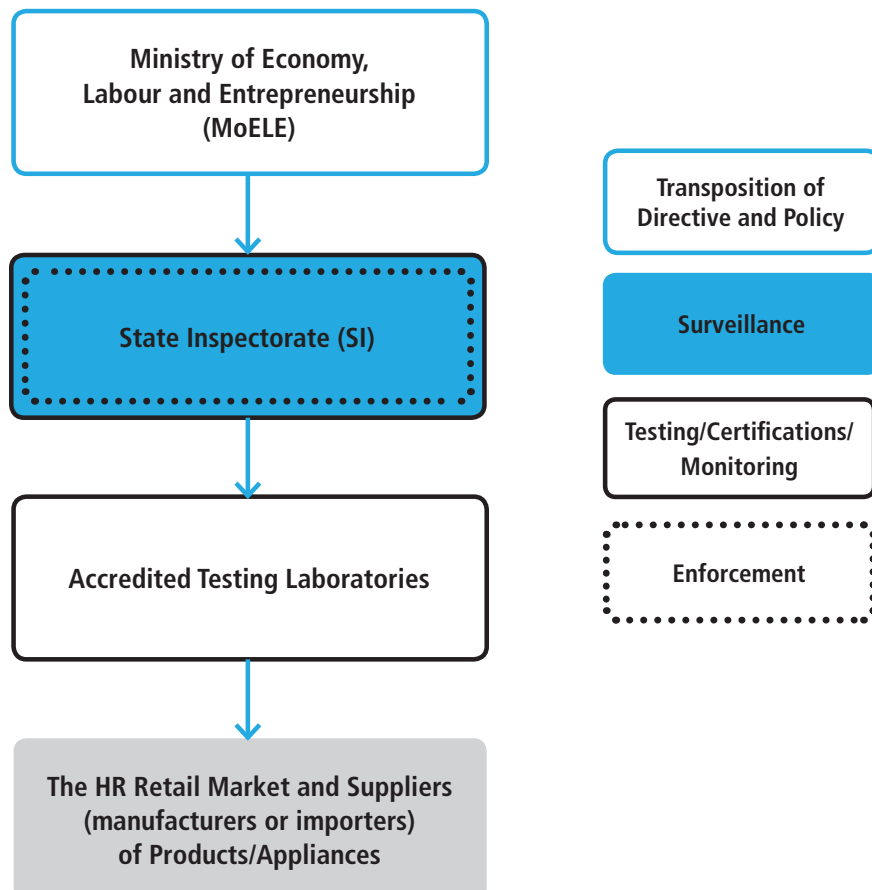
The State Energy Inspectorate is the organisation legally entitled to undertake activities in both controlling the labels in shops and in the label declaration verifications.



### 4.2 Overview of national authorities and institutions

- Information about stakeholder role, responsibilities (tasks, activities) and resources involved in the energy labelling process.

Authorities and Institutions	Formal role	Resources	
		Staff	Budget
Ministry of Economy, Labour and Entrepreneurship	Defines enforcement framework, oversees national programme. Policy lead in Croatia Cooperation with government bodies	1 part time equivalent	Not publicly known
State inspectorate	Croatian Market Surveillance Authority conducts market monitoring, verification and enforcement functions controls shops and the products available in them.	2 full time equivalents	Not publicly known
Croatian test labs accredited by HAA	Laboratories that test appliance performance specification to proclaimed values	Laboratories that test appliance performance specification to proclaimed values	Project based only



### 4.3 Overview of national market control and verification activities

#### 4.3.1 Enforcement system

- **Description of national implementation procedures and systems of fines that are in place according to the country's legal system.**

The State Energy Inspectorate is the organisation legally entitled to undertake activities in both controlling the labels in shops and in the label declaration verifications.

- **What approach might be taken according to the legislation – possible size of penalties, market removal, publishing results, or other sanctions.**

Some penalties have been imposed on individual retailers, but information about individual cases (size or frequency) is not publicly available.

Penalty cases have been issued based on complaint confirmation requests from individual consumers.

Penalties under the law of energy and that under Article 36a as follows:

For legal entities from 5.000 HRK (675 €) – 50.000 HRK(6.750 €) and responsible person under legal entity 300 HRK (40 €) – 3.000 HRK (400 €), for natural person 5.000 HRK(675 €) to 15.000 HRK (2.025 €).

#### 4.3.2 Description of real activities

##### SHOP VISITS:

- **How many take place on annual basis,**

The States of inspectorate has performed control of 171 samples of electrical appliances in 2010 and among them 14 appliances were mislabeled. In 2011, the state inspectorate controlled 37 appliances based on individual consumer complaints and among them 26 products were mislabeled, incorrectly labelled or having other technical problems.

*Note: When the state inspectorate receives a complaint from the consumer for specific problem, the inspectorate has to control all parameters which needs to be checked and among them 26 products were non-complaint with some of the requirements.*

- **What are the results - % of proper label display, does the authority follow results by the types of shops and/or the types of products, if yes, is it possible to share these results?**

Product surveyed in shops have been selected only based on consumer complaints, out of these, some 30% of the compliance of products related to proper label display in shops has been identified.

- **Fines/ actions – does the authority apply any sanctions, if yes, are there any rules (e.g. interval of compliance of % of properly displayed labels, notification letters in 1st step, etc.)?**

Possible penalties under the law of energy and that under Article 36a (listed above). The size of penalties applied in practice is not published.

The fines have been applied to individual retailers for labels not being properly displayed, and to one national supplier, whose washing machine has been tested (based on consumer complaints) and found to be non-compliant.



- **How are shops chosen for visits (randomly, by location, consumer complaints, previous visits)?**  
This is based on a methodology, which is defined every year, which includes consumer complaints, location and previous visits.
- **Results publishing – are the overall results published in any way? Where?**  
Results are published every year in a national report prepared by the State inspectorate which is available on their website<sup>7</sup>.
- **Any monitoring of the most common mistakes (wrongly displayed labels, etc.)?**  
The main problem is related to the old label which is shown just by data strip without the label background. But this has been improved by applying the new energy label for several product categories.
- **Did the introduction of the new energy labels result in any changes (e.g. improved display in shops)?**  
New energy labels along with awareness-raising efforts which are underway contribute to the increased levels of proper display of energy labels in shops.

### PRODUCT TESTS:

- **How many products are tested annually?**  
The only testing laboratory which is able to test for energy efficiency of household appliances (only for electric ovens) in Croatia is part of the factory Končar – Kućanski Aparati which is a manufacturer operated test laboratory.
- **Which products are tested – the same every year or changing?**  
Only for electric ovens by the national manufacturer and in 2012 one washing machine was tested based on a complaint about spin-drying problem that the State inspectorate received from a consumer.
- **Who is testing (lab) and how is the laboratory selected?**  
Končar – Kućanski Aparati Ltd (manufacturer, not independent laboratory). But in case of a formal authority request to test any appliances they have infrastructure to do testing for refrigerators, dishwasher and tumble dryers as well.
- **Results of the tests – % of compliance, etc.**  
One washing machine was tested and it was not in compliance with energy labelling legislation, specifically the spin-drying function.
- **Resulting actions – any sanctions applied?**  
Not any market removal sanction for the first time but the manufacturer representative (distributor) received a penalty.
- **How are product categories and specific models selected for tests (randomly, consumer compliant, previous problems)?**  
So far only based on consumer complaints.

<sup>7</sup> <http://www.inspektorat.hr/dirh12/izvjesca-o-radu/>



- **What is the laboratory selection process? Any possibility to choose foreign laboratory?**  
There is just one test laboratory in Croatia. Another laboratory is located in Slovenia – Testing and Certification laboratory (TLC), which may also conduct testing activities for Croatian authorities.
- **Are the test results published or shared in any way?**  
Not available to the public.
- **Any issues raised (testing difficulties, clarity of testing procedures and results, supplier acceptance of test results etc.)**  
They test only parameters resulting from consumer complaints or mechanical parts which are not functioning properly.
- **Did the introduction of the new energy labels and definition of compliance verification bring any changes (e.g. in number of tests, clarity of actions, difficulties in test procedures)?**  
Yes it would. New energy law regarding market surveillance and control of energy label was transposed in force since November 2012 (NN.120/2012.) This new law gives better definition of the role and responsibilities of the surveillance authority and specifies its priorities. By adapting the new law it is expected to have more control and verification of energy label activities on the market.

### Plans for 2013:

- **Is the level of activities changing every year? What are the specific plans (for shop visits and product tests) for 2013 and beyond?**  
For 2013 no product tests are expected, except Končar which is testing its own products or in case of a request from state inspectorate if they receive any complaints from consumers.
- **If no activities take place at all: why?**  
Although there is infrastructure for testing, budget constraints and financial problems are the main obstacles for testing appliances.
- **If no activities are publicly available: what is the explanation?**  
The main reason is that there is no obligation by law to publish individual product testing documentation.

### Label vs. Ecodesign:

- **This information research focuses on labelling activities. Are they organised in direct link with ecodesign? (e.g. the same people, budget, product groups, test activities?)**  
The European EcoDesign Directive was transposed into Croatian national law through the Act on Energy end-use efficiency (NN 152/08) but currently ecodesign surveillance activities are not verified by the state inspectorate due to complicated processes with new product groups.



## 4.4 Barriers and opportunities to higher level of activities

### 4.4.1 Barriers for higher level of activities

- **What are the reasons for the level of activities (n. of tests and shop visits) not being higher?**  
Lack of financial resources, lack of human resources, lack of experienced staff and different priorities are the main reasons for the level of activities.

### 4.4.2 Opportunities for higher level of activities

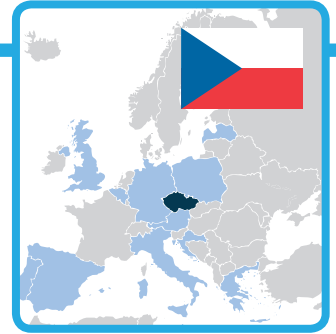
- **What opportunities are considered to improve / increase the level of activities?**  
Further definition and selection of the shop visits to be visited, increasing the awareness of shop assistants. European exchange of information on surveillance activities considered as beneficial including specific guidance for individual activities.
- **Are the results of surveillance activities shared nationally and/or internationally?**  
Nationally – in the form of a national report prepared by State inspectorate which is available on their website<sup>8</sup>  
Internationally – within questionnaires issued by IEE projects such as the Come On Labels project.
- **Any interest in further exchange of experience and specific activities?**
  - **Cooperation on EU level authority meetings:** participation to ADCO labelling group meetings from Ministry of Economy, Labour and Entrepreneurship, not from the State inspectorate.
  - **Participating to international projects:** interested to participate in international projects.
  - **Actively sharing and adapting intl. best practice:** interested in exchange of information and sharing best practice guidance.

## 4.5 Resources and source of information

Information revealed for Croatia was drafted by ELMA, the Come On Labels partner for Croatia, resulting from:

- Energy Sector Development Strategy of the Republic of Croatia, Ministry of Economy, Labour and Entrepreneurship
- National Energy Programs, Energy Institute Hrvoje Požar
- Energy efficiency master plan for Croatia 2008–2016
- Individual negotiations and meeting with the authorities and market actors

<sup>8</sup> <http://www.inspektorat.hr/dirh12/izvjesca-o-radu/>



## 5 Country: Czech Republic

### 5.1 National legislation

- **Under which national legislation did your country transpose the Directive defining the revised framework for Energy Labelling (2010/30/EU)?**
  - **Name of the legal act:** Energy Law
  - **When was it transposed:** in force since September 2011
  - **Type of law (environmental, energy, commercial, other):** Energy law
  
- **Any note about any specific issue or problem related to the adaption of the legislation?**

The full transposition of the Energy Labelling Directive as well as the ErP directive in the Czech Republic was provided in the recast Energy Act, which has been in force since September 2011, and the Energy Efficiency Act, which has been in force since November 2011, and the Government Decree on labelling and ecodesign (n. 337/2011), which has also been in force since November 2011. This legal regulation forms the framework of the market surveillance implementation.

No specific issues have been noted relating to the adaption of the legislation, except that on March 22nd 2012 the Commission officially and publicly urged the Czech Republic (and Poland) to adapt the legislation – this was however, only a mistake relating to the lack of information related to the transposition of the law in the Czech Republic, not the transposition as such.
  
- **Does the national legislation or related administrative documents or guidelines stipulate precisely how the compliance of the energy label should be verified?**

Yes, it does. The Government Decree on labelling and ecodesign (n. 337/2011, as of 11.11.2011) specifies the list of products covered and specifically recognises the EU related legislation to be valid in the field of product labelling and ecodesign and all the aspects of its implementation.

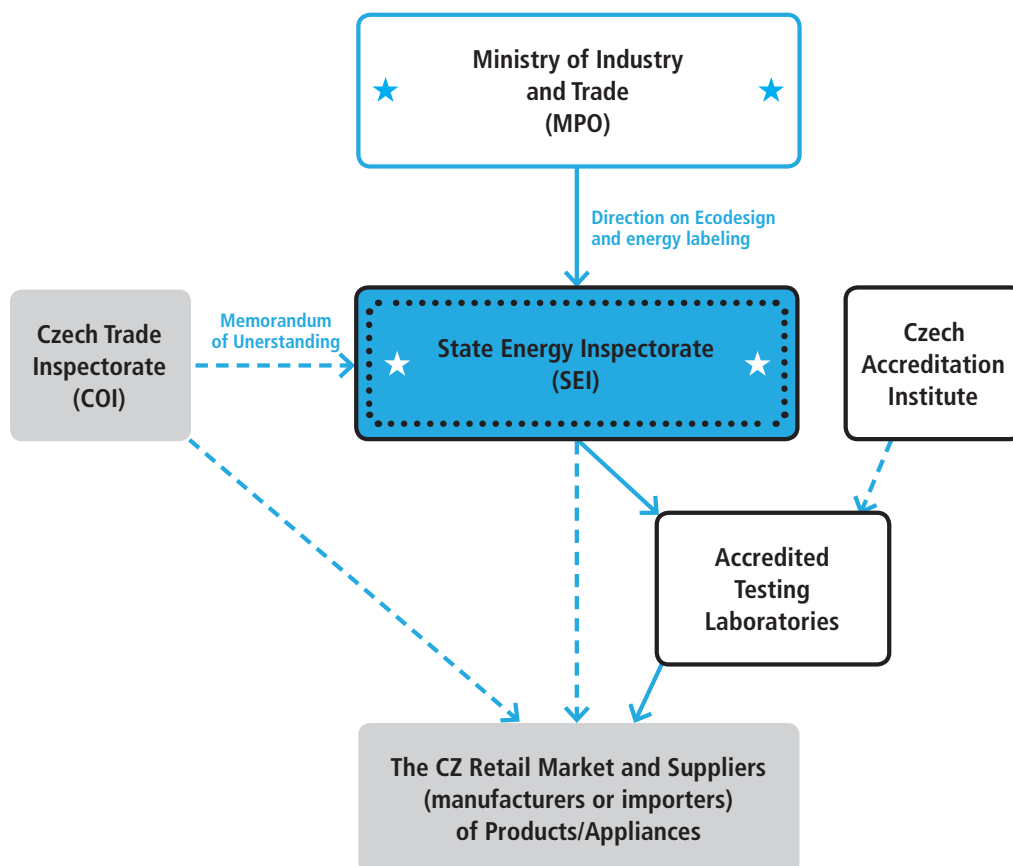
The Energy act (458/2000) specifically defines the activities, rights and duties of the State Energy Inspectorate in the field of market surveillance on energy using products and energy labelling. The area of the inspectorate's responsibilities has been re-defined in 2011 in part, in reaction to the new EU legislation on product labelling and on ecodesign.

### 5.2 Overview of national authorities and institutions

Information about stakeholder role, responsibilities (tasks, activities) and resources involved in the energy labelling process.



Authorities and Institutions	Formal role	Resources	
		Staff	Budget
Ministry of Industry and trade	Adaption of legislation and coordination of inspectorate activities	No specific for labelling	No specific for labelling
State Energy Inspectorate	Market surveillance on Energy related products and labelling	1 centrally and some 20 in part-time equivalents at regional offices	Not publicly known
Czech Trade Inspectorate	No role in energy related product surveillance, but cooperation with SEI on shop visit monitoring and some safety and performance aspects of products.	Not specified for energy related products.	Not specified for energy related products.
Electrotechnical testing institute	State owned organisation, eligible to undertake compliance testing. Member of Cenelec, ECS, ENEC.	Specified per product and testing types, not for labelling compliance	Project based only



Transposition of Directive and Policy

Surveillance

Testing/Certifications/  
Monitoring

Enforcement

★ ADCO Representative ★

Source: SEVEN for CLASP, 2011



## 5.3 Overview of national market control and verification activities

### 5.3.1 Enforcement system

- **Description of national implementation procedures and systems of fines that are in place according to the country's legal system.**  
The State Energy Inspectorate (SEI) is the organisation fully responsible for market surveillance of energy related products, covering both the energy labelling and ecodesign activities.
- **According to the Energy Law, the SEI is allowed to do the following:**
  - To be in formal contact with market actors, requesting documentation related to verification of the product performance declarations;
  - Take over product samples for the purpose of testing verification of energy efficiency declarations;
  - Conduct activities related to the product energy efficiency parameters declarations and performance;
  - Ask responsible organisations to remove product deficiencies, or introduce necessary improvement measures;
  - Request market removal or prohibition of market entry until the removal of the identified deficiencies;
  - Inform the European Commission and other EU member states about its findings, as well as collect the consumer and other parties' request related to product efficiency;
  - Issue penalties in respect to product surveillance activities.
- **What approach might be taken according to the legislation – possible size of penalties, market removal, publishing results, or other sanctions.**  
Legally, the greatest penalty that can be applied is 200 000 Eur. However, the typical size of penalties is 200 – 6000 Eur.
  - The penalties imposed so far relate to the lack of proper labelling display in the supplier chain.
  - No penalties have been imposed in relation to product testing.
  - Information on activities related to product efficiency surveillance has been published once in the form of a press release, announcing overall results of shop visits for 2012.

### 5.3.2 Description of real activities

#### SHOP VISITS:

- **How many take place on annual basis:**  
2010: 4; 2011: 18; 2012: approximately 300; estimate for 2013 is to continue at the level of 300 shop visits.
- **What are the results - % of proper label display, does the authority follow results by the types of shops and/or the types of products, if yes, is it possible to share these results?**  
On average, 64% of the compliance of shops on label display has been identified.  
Numbers of shops per shop type are monitored, but compliance per shop type or product type is not monitored / disclosed.
- **Fines/ actions – does the authority apply any sanctions, if yes, are there any rules (e.g. interval of compliance of % of properly displayed labels, notification letters in 1st step, etc.)?**  
The fines issued so far are in the size of 200 – 6000 Eur. Individual communication with the retailer is



taking place, but no formal policy on intervals of compliance has been adapted. The size increases if repeating shop visits are conducted, with no improvement observed. Over 70 sanctions were issued in 2012.

- **How are shops chosen for visits (randomly, by location, consumer complaints, previous visits)?**  
Randomly with various locations around the Czech Republic, undertaken by the various SEI's regional offices. Individual shop visits based on consumer complaints are possible and have been undertaken in the past.
- **Results publishing – are the overall results published in any way? Where?**  
Results were only published in 2012 in the form of a press release – available on SEI's website and circulated to media. Future publishing of aggregated results planned to continue.
- **Any monitoring of the most common mistakes (wrongly displayed labels, etc.)?**  
Not formally, strictly following the legislation in terms of product and label definitions.
- **Did the introduction of the new energy labels result in any changes (e.g. improved display in shops)?**  
Not analysed by the surveillance authority, given the low number of shop visits before 2012, as well as a possible changing focus on the selection of shop types in 2013. The general perception is that the new energy labels improve the label display rate.

### PRODUCT TESTS:

- **How many products are tested annually:**  
6 refrigerator-freezers have been tested in 2011, the first and only product surveillance tests in the Czech Republic.
- **Which products are tested - the same every year or changing?**  
No product testing for energy label surveillance planned in short term future.
- **Who is testing (lab) and how is the laboratory selected?**  
The 2011 testing was undertaken in a Czech state owned certified laboratory.
- **Results of the tests - % of compliance, etc.**  
All six models tested were within the tolerance (6-12% higher than declared electricity consumption), only the electricity consumption was tested, no other parameters.
- **Resulting actions – any sanctions applied?**  
No, since all six results so far indicated expected compliance.
- **Are the test results published or shared in any way?**  
Only made available in aggregated form to the stakeholders and the Ministry of Industry and Trade.
- **Any issues raised (testing difficulties, clarity of testing procedures and results, supplier acceptance of test results etc.)**  
Only electricity consumption tested, not the other label parameters. Step 1 performed only, all products



within the tolerance (12% higher consumption was the worst model, under 15% tolerance regime). Units tested were selected randomly from a wholesale supplier warehouse, and returned after testing. Transport safety (damage prevention) and insurance were considered an issue of concern.

■ **Did the introduction of the new energy labels and definition of compliance verification bring any changes? (e.g. in number of tests, clarity of actions, difficulties in test procedures)**

Yes, but indirectly. The new Energy law better defines the role and responsibilities of the surveillance authority and specifies its priorities. The number of shop visits has increased significantly between 2011 and 2012 (from 18 to 300), and is expected to remain at this level for the future period. But no product tests for label compliance are expected, ecodesign surveillance activities currently being investigated.

**Plans for 2013:**

■ **Is the level of activities changing every year? What are the specific plans (for shop visits and product tests) for 2013 and beyond?**

Number of shop visits to be around 300. Focus on internet shops considered as well, for the first time. No product testing expected.

■ **If no activities take place at all: why?**

No testing due to budget constraints and broader range of priorities of the Authority.

■ **If no activities are publicly available: what is the explanation?**

Aggregated results available from the shop visits in the form of a press release. Publishing of individual results not prescribed by the legislation.

**Label vs. Ecodesign:**

■ **This information research focuses on labelling activities. Are they organised in direct link with ecodesign? (e.g. the same people, budget, product groups, test activities?)**

No ecodesign surveillance activities for now (2012). A thematic focus on ecodesign is being investigated for 2013; an interest for European results in the ecodesign surveillance activities and projects is confirmed. Ecodesign compliance verification intended in the future. Problems: technically and legally complicated processes with new product groups, EU guidelines and simple-checks manuals would be appreciated.

## 5.4 Barriers and opportunities to higher level of activities

### 5.4.1 Barriers for higher level of activities

■ **What are the reasons for the level of activities (n. of tests and shop visits) not being higher?**

No full product testing so far, due to: different priorities, insufficient definition of the Authority's responsibilities, lack of human resources, as well as financial constraints.

Definition of the "market entry" date considered to be insufficient.

Some shop representatives suppose that the regulation on label display is not valid for their case (shops acting also as wholesales).



### 5.4.2 Opportunities for higher level of activities

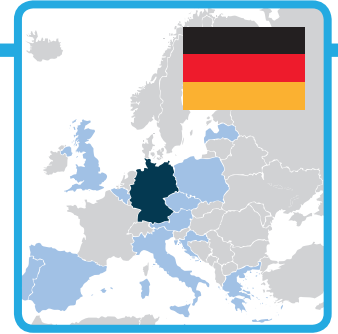
- **What opportunities are considered to improve / increase the level of activities?**  
Further definition and selection of the shop visits to be visited in 2013, allowing for conclusions on label display rates for specific shop types.  
European exchange of information on surveillance activities considered as beneficial. Including a specific guidance for individual activities.
- **Are the results of surveillance activities shared nationally and/or internationally?**  
Nationally – in the form of a press release relating to the aggregated shop visit results.  
Internationally – within the ADCO labelling group meetings and questionnaires issued by the EC, Ecopliant and ATLETE II projects.
- **Any interest in further exchange of experience and specific activities?**
  - Cooperation on EU level authority meetings: regular participation to ADCO labelling group meetings, continued interest confirmed.
  - Participating to international projects: currently declined due to lack of co-financing resources and staff capacities.
  - Actively sharing and adapting intl. best practice: interested in exchange of information and sharing best practice guidance confirmed.

### 5.5 Resources and source of information

Information revealed for the Czech Republic was drafted by SEVEN, the Come On Labels partner for the Czech Republic, resulting from:

- **Individual negotiations with the authorities and market actors, such as the:**
  - State Energy Inspectorate
  - CECED Czech Republic
  - Ministry of Industry and Trade
  - Ministry of Environment
  - Czech Trade Inspectorate
  - Electrotechnical Testing Institute
  - Individual retailers and suppliers
- **External resources, such as:**
  - ATLETE II project questionnaire 2012 (Draft)





## 6 Country: Germany

### 6.1 National legislation

- **Under which national legislation did your country transpose the Directive defining the revised framework for Energy Labelling (2010/30/EU)?**
  - **Name of the legal act:**
    - Energieverbrauchskennzeichnungsgesetz (EnVKG) [Energy Consumption Labelling Act] (recast; replaces old EnVKG)
    - Energieverbrauchskennzeichnungsverordnung (EnVKV) [Energy Consumption Labelling Ordinance] (revision)
  - **When was it transposed / entered into force?**
    - EnVKG: decided 10th May 2012, entry into force 17th May 2012 (replaces EnVKG from 30th January 2002)
    - EnVKV: original version from 30th October 1997; revision decided 10th May 2012, entry into force 17th May 2012.
  - **What type of law is it?** Commercial law
- **Any note or comment about any specific issue or problem related to the adaption of the legislation:**

The national transposition has taken place belatedly (deadline having been 20th June 2011). The EnVKG sets the general framework (definitions, goals of the legislation, responsibilities and duties of the different institutions, duties of retailers and suppliers etc.) while the EnVKV regulates the details of the labelling, such as: products covered, placement and format of the label etc. The EnVKG unites the labelling requirements for energy-related products (according to Directive 2010/30/EU), cars (according to Directive 1999/94/EC and 2003/73/EU) and tyres (according to Regulation (EC) No.1222/2009 and Regulation (EU) No.228/2011). Controversial issues have been compliance verification (see below) and the regulation of online trade and advertising. For online trading and advertising, the Federal Ministry of Economics and Technology had proposed to follow closely the wording of the European legislation. While consumer and environmental groups argued that the stipulations of the European legislation were leaving too much room for interpretation, and demanded to include more precise requirements, retailers objected that this would not be feasible in practice and would unduly restrict their freedom. Therefore, the original proposal was kept.
- **Does the national legislation or related administrative documents or guidelines stipulate precisely how the compliance of the energy label should be verified?**

The legislation strengthened the role of market surveillance in comparison to older legislation, for example, by introducing the requirement to set up a market surveillance plan, and reporting requirements. However, it makes no detailed provisions of how market surveillance should be carried out, because in Germany, verification activities constitutionally fall under the responsibility of the 16 Länder (federal states). The distributed responsibilities propose challenges for a coordinated approach. Furthermore, many Länder do not possess the financial or human resources to organize verification thoroughly, or they chose different political priorities (they consider, for example, health and safety-related verification activities more important). The national legislation demands that Länder authorities develop a market



surveillance plan. It does however not lay down a deadline. Furthermore, the Länder authorities have to report to the national Bundesanstalt für Materialforschung und -prüfung (BAM) [Federal Institute for Materials Research and Testing] annually about their activities. As of now (February 2013), the reports are not yet available, the legislation having been in force for only 9 months. The non-governmental organization Deutsche Umwelthilfe (DUH) [German Environmental Aid] is planning a survey among market surveillance authorities in order to find out about progress in developing the market surveillance plans.

## 6.2 Overview of national authorities and institutions

- **Information about stakeholder role, responsibilities (tasks, activities) and resources involved in the energy labelling process:**

Authorities and Institutions	Formal role	Resources	
		Staff (FTE)	Budget (TEUR)
Federal Ministry of Economics and Technology	Oversight, coordination, draft legislation	unknown	unknown
Bundesanstalt für Materialforschung und -prüfung (BAM) [Federal Institute for Materials Research and Testing]	Coordination and support to Länder authorities for verification activities; information for suppliers and retailers, contact with other Member State authorities	unknown	unknown
Authorities on the Länder level (16 Länder) The responsible ministries differ (e.g. Ministry of the Environment, Climate Change, and the Energy Sector; Ministry of Economics, Ministry for Employment and Social Order, Family and Women). So do the subordinate authorities who execute the market surveillance (e.g. ministry itself, business inspectorates, authorities for health and safety.) Often in addition to the authorities on the Länder level, a broad range of different local authorities is involved. Finally, the responsibilities for ecodesign and labeling differ in some Länder, while they are identical in others. See for details: <a href="http://www.ebpg.bam.de/de/gesetz/marktaufsicht/index.htm">http://www.ebpg.bam.de/de/gesetz/marktaufsicht/index.htm</a>	Planning and execution of market surveillance activities in the respective Land. Have to develop a market surveillance plan and report to the BAM on an annual basis. First report not yet compiled (Feb 2013).	unknown	unknown
Bund-Länder-Ausschuss (committee consisting of representatives of the federal and Länder authorities)	Exchange between authorities on market surveillance activities	none	unknown
Civil society organizations such as consumer and environmental organizations. Especially active: Verbraucherzentralen [consumer centers] and Deutsche Umwelthilfe [German Environmental Aid]	No formal role, but do sometimes conduct shop visits. Some of them have the legal right to issue cease-and-desist letters to noncompliant companies.	unknown	unknown



### 6.2.1 Recent or imminent changes

The EnVKG recast in May 2012, strengthening the role of national market surveillance, has stimulated at least one Land (Hesse) to reorganize its market surveillance institutions and allocate additional staff, too.

## 6.3 Overview of national market control and verification activities

### 6.3.1 Enforcement system

The EnVKG enables the responsible Länder authorities to take the following measures, if necessary.

- to prohibit to offer or exhibit a product
- to prohibit to place a product on the market
- to demand or enforce the take-back of a product
- to prohibit that an energy-related product is put into operation

The description of these enforcement measures has been taken directly from the EU legislation.

Furthermore, §8 EnVKV specifies which kinds of non-compliance shall be regarded as a regulatory offence, and §15(2) EnVKG stipulates that such offences might be subject to a fine of up to 50.000 EUR. The following acts constitute regulatory offences:

- as a supplier:
  - to provide labels or data sheets that are not in accordance with the relevant provisions in the EU legislation
  - for a lamp, to fail to print the label on the packaging, affix it to the packaging, or enclose it in the packaging correctly and in due time
  - for other products, to fail to ensure that the label is provided to the retailers in due time
  - to fail to provide the technical documentation to the market surveillance authorities in due time
- as a retailer:
  - to label a product not at all, not correctly, or not in due time
  - to exhibit a lamp for which the supplier has not printed, enclosed, or affixed a label to the packaging
  - to have no or no correct data sheet in store
- as a supplier or retailer:
  - to fail to ensure that a potential buyer in internet or mail-order selling receives the information laid down in the relevant EU legislation
  - to fail to provide, in advertising, the information laid down in the relevant EU legislation (energy efficiency class or information on energy consumption)
  - to use trademarks, symbols, inscriptions, or other labels that could confuse the consumer

Finally, certain non-governmental organisations have the right to issue cease-and-desist letters. That means they can demand that a retailer or supplier corrects a case of non-compliance or else will face legal action.



### 6.3.1.1 Description of real activities

According to a telephone interview with the then responsible for energy labelling at the Federal Ministry of the Economy, conducted in September 2012, market surveillance activities with respect to energy labelling were taking place in three Länder: Hesse, Baden-Wuerttemberg, and Bavaria. Furthermore, the consumer centre in Rhineland-Palatinate informed us about activities in their Land. We contacted representatives of these four Länder by e-Mail. Furthermore, we conducted a telephone interview with the responsible for market surveillance in Baden-Wuerttemberg.

### 6.3.1.2 Hesse

Market surveillance is carried out by several local and regional authorities. According to a statement by the responsible government official in the Hessian Ministry for the Environment, Energy, Agriculture and Consumer Issues, activities can be summarized as follows:

- Practices differ between urban and rural areas. Authorities in urban areas in some cases collaborate with retailers; in order to not only ensure correct labeling but to also actively promote efficient appliances (for example, in one project in the city of Frankfurt/M.).
- During the years 2009-2010, the majority of responsible authorities conducted shop visits only at specific occasions, e.g. at the opening of new retail stores. After written information had been sent to the relevant retailers and more intensive shop visits had been conducted during the years 2004 and 2006, no important compliance problems have been identified any more. There is no documentation of how many sample checks are conducted annually or how many administrative fines proceedings took place, and no systematic documentation of results. No complaints by citizens or competing retailers have been brought to the competent authorities.
- A special problem area are appliances in built-in kitchens. Kitchen studios and furniture stores keep claiming (most recently in 2011) that the labels destroyed sensitive furniture surfaces. They also seem to have raised this issue with the competent EU bodies. Hessian authorities have brought the matter to the Bund-Länder-Ausschuss in order to assure a homogeneous practice. Streamlining between EU Member States is also thought necessary.
- After the EnVKG recast in 2012, market surveillance is thought to have gained importance. It will be reorganized and staff augmented.

### 6.3.1.3 Bavaria

We contacted the responsible government official in the Bavarian Staatsministerium für Arbeit und Sozialordnung, Familie und Frauen [State Ministry for Employment and Social Order, Family and Women], unit "Technical consumer protection, market surveillance", in the context of a survey on appliance testing conducted within the Come On Labels project (Deliverable 3.5). The focus was therefore on appliance testing, not shop visits.

According to the information received, the situation with respect to appliance testing is the following:

- Market surveillance in Bavaria is conducted both „reactively“ (reacting to information about non-compliance received from third parties) and „proactively“ (actively searching for information). Sample checks are being conducted and the competent authorities (in Bavaria the regional business inspectorates) ensure that measures are taken in case of non-compliance.
- We did not receive information about the number or results of the sample checks.



- Laboratory testing of appliances is, according to our source, only one of various possible foundations for taking measures in case of non-compliance. Laboratory testing is generally costly and complex, and is therefore not being used as a routine measure. In order to make the most efficient use of existing resources, a risk-based approach to market surveillance is preferred.
- For the year 2013, laboratory testing of the luminous intensity of LED lamps is envisaged. This testing relates to the Ecodesign Regulation on non-directional household lamps (Regulation (EC) No. 244/2009), and to the Energy Labelling Directive for household lamps (Directive 98/11/EC, which has been, on July 12, 2012, repealed by Commission Delegated Regulation (EU) No. 874/2012 on the Energy Labelling of electrical lamps and luminaires).

### 6.3.1.4 Rhineland-Palatinate

The responsible authority is the Landesamt für Mess- und Eichwesen [State Office for Metrology and Calibration]. The information was derived from their Annual Report (see 6.5), p. 17-18 and 21.

In 2011, all in all 211 shop visits were conducted (first-time visits and follow-up visits, see below). In case of non-compliance, retailers were requested in written form to take corrective action and report to the authority. If the report was not received within a set timeframe, a follow-up shop visit or, in 18 cases, an administrative fines proceeding was conducted. The shop visits revealed that an important percentage of appliances are not correctly labeled and there are huge information deficits among the retailers, especially about the provisions for advertising. Therefore, information material was handed out.

Table 1 and Table 2 give an overview of the shop visits and their results.

**Table 1: Shop visits in Rhineland-Palatinate. Source: State Office for Metrology and Calibration, Annual Report 2011, p.18**

	Number of retailers controlled	Retailers with deficits	
		Number	%
<b>First-time visit</b>	85	40	47
<b>Follow-Up visit</b>	126	36	29

**Table 2: Corrective Action after Noncompliance in Rhineland-Palatinate. Source: State Office for Metrology and Calibration, Annual Report 2011, p.18**

	Number of reported corrective actions	Retailers with deficits	
		Number	%
<b>Reported to the authority</b>	47	7	15

The exact nature of the deficits has not been reported.



### 6.3.1.5 Baden-Wuerttemberg

With regard to the implementation of the New Legislative Framework, the responsibilities for the enforcement of market surveillance activities in Baden-Wuerttemberg have almost entirely been transferred to the Regional Administrative Authorities (Regierungspräsidien) in 2009. However, the task to carry out market surveillance concerning the requirements according to EnVKG lies still with the local authorities, but could in the future be subject to further restructuring.

An enquiry about the market surveillance activities regarding energy labeling conducted in the years 2011 and 2012, and about the data produced in these years, is in operation. The results are expected in early March 2013.

For the year 2013, the Ministry of the Environment, Climate Protection and the Energy Sector Baden-Wuerttemberg concludes an agreement on objectives with the local authorities including a certain number of inspected products in 2013. That means that the authorities will be required to conduct active market surveillance besides the reactive activities that are mainly conducted today.

In the longer term it is foreseen to establish a quality management system for surveillance activities to make sure that besides checking the correct labeling, a certain percentage of market surveillance should also consist of laboratory testing of appliances.

At present, a market surveillance concept regarding market surveillance activities according to EnVKG across the Länder is currently being developed. Baden-Wuerttemberg is taking an active role in the development of a market surveillance program according to EnVKG. Good experiences of the established market surveillance system for product safety will be transferred to develop market surveillance plans according to EnVKG.

## 6.4 Barriers and opportunities to higher level of activities

### 6.4.1 Barriers for higher level of activities

- **What are the reasons for the level of activities (number of tests and shop visits) not being higher?**  
From our anecdotal information, the following reasons apply (different reasons applying in different cases):
  - Lack of financial resources
  - Lack of human resources
  - Laboratory tests are extremely expensive, complex and time-consuming in relation to their possible benefits
  - Scarce market surveillance resources are allocated to priority areas. Priority areas are generally those associated with risks, e.g. consumer health and safety, food safety.
  - Restructuring
  - The state has not been regarded as an important actor in market surveillance in the past. Non-compliance has been expected to be corrected by legal action of competitors under Civil Law. State market surveillance was only assigned a subsidiary role. This perception has changed with the EnVKG recast (Hesse).
  - Distributed responsibilities and competences hamper a coordinated approach.





### 6.4.2 Opportunities for higher level of activities

- **Which opportunities are considered to improve / increase the level of activities?**  
Stronger role of market surveillance in the EnVKG recast; reporting requirements
- **Are the results of surveillance activities shared nationally and/or internationally?**  
The results, if any, are shared on a national level in the Bund-Länder working group, and on an international level in the ADCO group on market surveillance.
- **Any interest in further exchange of experience and specific activities?**  
Database on test results might be helpful.

### 6.5 Resources and source of information

- **Literature**
  - Bundesanstalt für Materialforschung und –prüfung (BAM) [Federal Institute for Materials Research and Testing] website dedicated to Ecodesign and Labelling: [www.ebpg.bam.de](http://www.ebpg.bam.de)
  - Landesamt für Mess- und Eichwesen Rheinland-Pfalz: Jahresbericht 2011. [State Office for Metrology and Calibration Rhineland-Palatinate: Annual Report 2011], [http://www.lme.rlp.de/fileadmin/lme/1-homepage/6-Berichte/Jahresbericht\\_2011.pdf](http://www.lme.rlp.de/fileadmin/lme/1-homepage/6-Berichte/Jahresbericht_2011.pdf)
- **External resources:**
  - Waide et al. 2011: Paul Waide, Rowan Watson, Anita Eide: Enforcement of energy efficiency regulations for energy consuming equipment: findings from a new European study. Presentation at EEDAL 2011.
  - Kreitz, Therese (o.J.): Report on the national legislations regarding energy labelling. Atlete Deliverable 2.1 [http://www.atlete.eu/index.php?option=com\\_docman&task=doc\\_download&gid=26&Itemid=111](http://www.atlete.eu/index.php?option=com_docman&task=doc_download&gid=26&Itemid=111) (deals with the situation up till 2009)
  - Kreitz, Therese: Overview of the methodology and the results achieved in the conformity assessment action at EU Member States and international level. ATLETE Deliverable 2.2 [http://www.atlete.eu/index.php?option=com\\_docman&task=doc\\_download&gid=27&Itemid=111](http://www.atlete.eu/index.php?option=com_docman&task=doc_download&gid=27&Itemid=111) (deals with the situation up till 2009)
- Participation in a stakeholder meeting dedicated to the discussion of the draft EnVKG and EnVKV at the Federal Ministry of Economics and Technology, Berlin, Nov 16, 2011
- **Interviews**
  - Telephone interview with the government official responsible for energy labelling at the Federal Ministry of Economics and Technology, in Summer 2012. According to her, market surveillance activities were taking place in three Länder: Hesse, Baden-Wuerttemberg, and Bavaria. The consumer center in Rhineland-Palatinate informed us that Rhineland-Palatinate was a fourth active Land.
  - Several E-mail contacts with the responsible persons of these four Länder, starting from August 8th, 2012.
    - Head of the unit “Fachbezogene Verwaltung, Rechts- und Vollzugsfragen, Energiesparaktion, Abteilungsbezogene Öffentlichkeitsarbeit” [subject-based administration, legal and enforcement issues, energy-saving campaign, departmental public relations] in the Hessian Ministry for the Environment, Energy, Agriculture and Consumer Issues



- Member of the unit “Technischer Verbraucherschutz, Marktüberwachung” [technical consumer protection, market surveillance], Staatsministerium für Arbeit und Sozialordnung, Familie und Frauen [State Ministry for Employment and Social Order, Family and Women], Bavaria
- Deputy head of the State Office for Metrology and Calibration, Rhineland-Palatinate
- Government official responsible for market surveillance in Baden-Wuerttemberg
- Telephone interview with the government official responsible for market surveillance in Baden-Wuerttemberg, December 5th, 2012.
- We did not contact the remainder of the Länder. They had already been contacted several times, e.g. by various NGOs, and they will soon be subject to another survey by German Environmental Aid and also have to provide their annual report for the BAM.





## 7 Greece

### 7.1 National legislation

- **Under which national legislation did your country transpose the Directive defining the revised framework for Energy Labelling (2010/30/EU)?**
  - **Quote the name of the legal act:** “Harmonisation of the Greek Law with the Directive 2010/30/EU of the European Parliament and Council of 19 May 2010 on the indication by labelling and standard product information of the consumption of energy and other resources by energy-related-products”
  - **when was it transposed:** 14.10.2011
  - **what type of law it is (environmental, energy, commercial, other):** Joint Ministerial Decision
- **Any note about any specific issue or problem related to the adaption of the legislation?**  
No specific issue / problem noted.
- **Does the national legislation or related administrative documents or guidelines stipulate precisely how the compliance of the energy label should be verified?**  
The Joint Ministerial Decision defines: 1) the surveillance authority, 2) the primary, the secondary and the tertiary level of product control and 3) the sanction actions.

### 7.2 Overview of national authorities and institutions

- **Information about stakeholder role, responsibilities (tasks, activities) and resources involved in the energy labelling process.**

Authorities and Institutions	Formal role	Resources	
		Staff	Budget
4th Sectoral Industrial Policy Directorate, Ministry of Development, Competitiveness, Infrastructure, Transport and Networks	Market surveillance, implementing verification activities, implementing compliance actions.	2,5 full time (also Ecodesign and other surveillance, same people working on label and ecodesign compliance for all product types)	n/a

- **Any recent changes (eg. organisations responsible, budget and staff numbers, definition of responsibilities)?**  
No changes after the Directive defining the revised framework for Energy Labelling (2010/30/EU) has been transposed into national law.

## 7.3 Overview of national market control and verification activities

### 7.3.1 Enforcement system

Description of national implementation procedures and systems of fines that are in place according to the country's legal system.

- Who is eligible to issue fines or prosecutions and in which case**

The General Secretariat for Industry is eligible to issue fines when: products are available for sale without label / fiche / technical documentation / other necessary information, products are available for sale with fiche / other necessary information in languages other than Greek, data of the technical documentation do not comply with the data of the label, data of the label or the technical documentation are inaccurate or not true.

- What approach might be taken according to the legislation**

In the above cases, a fine (of 50.000,00 euro maximum) can be issued. Repeated non-compliance of suppliers / retailers can result in doubling the respective fine and in temporary or permanent market removal of products.

### 7.3.2 Description of real activities

#### SHOP VISITS:

- How many take place on annual basis**

(2012) – 7 shops

- What are the results - % of proper label display, does the authority follow results by the types of shops and/or the types of products, if yes, is it possible to share these results?**

60%

- Fines/ actions – does the authority apply any sanctions, if yes, are there any rules (eg. interval of compliance of % of properly displayed labels, notification letters in 1st step, etc)?**

No fines have been applied, only recommendations have been made.

- How are shops chosen for visits? (randomly, by location, consumer complaints, previous visits)**

Either randomly or by consumer complaints or by previous visits

- Results publishing – are the overall results published in any way? Where?**

No.

- Any monitoring of the most common mistakes? (wrongly displayed labels, etc.)**

Only the data stripe was placed or the label was placed inside the product. In some cases, after the recommendations they were conformed.

- Did the introduction of the new energy labels result in any changes? (eg. improved display in shops)**

The use of the new label results in higher compliance, since placing only the data stripe is minimised.

## PRODUCT TESTS:

- **How many products are tested annually**  
No product was tested in laboratory during 2012.
- **Any issues raised (testing difficulties, clarity of testing procedures and results, supplier acceptance of test results etc.)**  
Increased cost for testing.

### Plans for 2013:

- **Is the level of activities changing every year? What are the specific plans (for shop visits and product tests) for 2013 and beyond?**  
It is the same as currently undertaken.

### Label vs. Ecodesign:

- **This information research focuses on labelling activities. Are they organised in direct link with ecodesign? (eg, the same people, budget, product groups, test activities?)**  
Yes, it is organized in direct link with the ecodesign directive.

## 7.4 Barriers and opportunities to higher level of activities

### 7.4.1 Barriers for higher level of activities

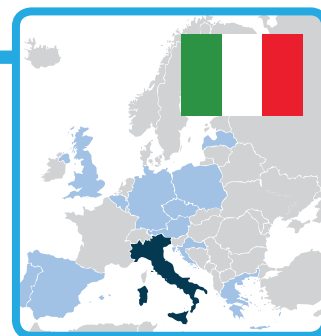
- **What are the reasons for the level of activities (n. of tests and shop visits) not being higher?**
  - Lack of financial resources
  - Lack of human resources

### 7.4.2 Opportunities for higher level of activities

- **What opportunities are considered to improve / increase the level of activities?**  
Information, experience and best practice exchange.
- **Are the results of surveillance activities shared nationally and/or internationally?**  
No.
- **Any interest in further exchange of experience and specific activities?**  
Cooperation on EU level authority meetings, but there are difficulties due to limited resources / budget.  
Actively sharing and adapting intl. best practice, but there are difficulties due to limited resources / budget.

## 7.5 Resources and source of information

- External resources: ATLETE II questionnaire
- Interview conducted with the 4th Sectoral Industrial Policy Directorate of the Ministry of Development, Competitiveness, Infrastructure, Transport and Networks in March 2013.



## 8 Country: Italy

### 8.1 National legislation

- **Under which national legislation did your country transpose the Directive defining the revised framework for Energy Labelling (2010/30/EU)?**
  - **Name of the legal act:** DECRETO LEGISLATIVO 28 giugno 2012, n. 104. Attuazione della direttiva 2010/30/UE, relative all'indicazione del consumo di energia e di altre risorse dei prodotti connessi all'energia, mediante l'etichettatura ed informazioni uniformi relativa ai prodotti.
  - **When was it transposed:** 28th June 2012
  - **What type of law it is:** Commercial law

It is preceded by an authorisation to transposition taken within the “Legge Comunitaria” relative to the dispositions to fulfil the obligations linked to Italy’s membership in the EU. The “Legge Comunitaria” is a mandatory item that gives legislative delegation to the Government for the transposition of the European directives.

- **Any note about any specific issue or problem related to the adaption of the legislation:**  
Italy has specifically addressed the issue of the use of voluntary labels mimicking the EU label. Voluntary labelling schemes are possible:
  - only until when a specific EU delegated act is enforced
  - if proposed by a relevant manufacturers association of the sector and
  - has been agreed through specific Memorandum of Understandings with ENEA.
- **Does the national legislation or related administrative documents or guidelines stipulate precisely how the compliance of the energy label should be verified:**  
No it indicates that the national Authority and other institutions responsible for the market surveillance should work in a coordinated way to assure market surveillance.



## 8.2 Overview of national authorities and institutions

- Information about stakeholder role, responsibilities (tasks, activities) and resources involved in the energy labelling process.

Authorities and Institutions	Formal role	Resources	
		Staff	Budget
Ministry for Sustainable development	Responsible for market surveillance: DG per il Mercato, la Concorrenza, i Consumatori, la Vigilanza e la Normativa Tecnica – Divisione XVI	n.a	n.a
ENEA	is the technical support to the Ministry for the market surveillance	n.a	n.a
Chambers of Commerce	are responsible for applying sanctions	n.a	n.a
Financial Police (Guardia di Finanza)	cooperation with the Ministry	n.a	n.a
Customs	cooperation with the Ministry	n.a	n.a

- Any recent changes (e.g. organisations responsible, budget and staff numbers, definition of responsibilities)?

The Authority was chosen in continuity with the previous legislation. DPR 09/03/1998 n. 107 entrusted the market surveillance on energy labelling of household appliances to the Ministry of Industry, today the Ministry of Economic Development.

With the enlargement of the scope (energy-related products from energy-using products) the assignments of the MSA in Italy are going to change in relation to the publication of individual delegated acts related to products other than domestic appliances.

## 8.3 Overview of national market control and verification activities

### 8.3.1 Enforcement system

- Description of national implementation procedures and systems of fines that are in place according to the country's legal system.

The DG per il Mercato, la Concorrenza, i Consumatori, la Vigilanza e la Normativa Tecnica – Divisione XVI will implement a program of checks on domestic appliances in the period 2013 - 2014 as part of a Memorandum of Understanding with the Italian Union of Chambers of Commerce, in cooperation with the chambers of commerce in the area, which includes the inspections of manufacturers and distributors as well as carrying out tests in selected laboratories.

In general it is expected that suppliers must provide the technical documentation of the controlled product and, in case of doubt, the demonstration of compliance through the results of laboratory tests. Inspections will be carried out to the retailers that have the obligation to display the energy label on the products and provide the technical fiche. The monitoring costs are borne by MSA.



- **Who is eligible to issue fines or prosecutions and in which case:**  
MSA and the Chambers of commerce are responsible for applying sanctions.
- **What approach might be taken according to the legislation – possible size of penalties, market removal, publishing results, or other sanctions.**  
The Decree 104/2012, Art. 12, sets out the measures to be taken. Such measures are:
  - ban on the placing on the market, the marketing and putting into service, the withdrawn and, where necessary, the recall;
  - or the order to make the product compliant with the requirements of the decree and the temporary ban on the placing on the market, the marketing and putting into service.

Penalties are from € 2.000,00 to 20.000,00. There are different levels of sanctions for the supplier/manufacturer depending on the type of non-compliance; see in particular D.lgs 104/2012, Art. 13 (Sanzioni), paragraph 1, points a), b) e c). The legislative requirements for suppliers in case of non-compliance are the ban on the placing on the market, the marketing and putting into service, the withdrawn and, where necessary, the recall; or the order to make the product compliant with the requirements of the decree and the temporary ban on the placing on the market, the marketing and putting into service.

The levels and the amount of the sanctions were determined in the decree of adoption to be dissuasive.

### 8.3.2 Description of real activities

#### SHOP VISITS:

No summary information about the formal visits organised by the Financial police is available.

Two rounds of shop visits were run in Italy, the first in April 2008 by Fraunhofer institute in the framework of a study commissioned by the European Commission and a national shop survey realised within the Come On Labels project in April 2012.

In 2008 the correct presence of the (old) label was investigated for the 8 types of appliances covered by the old labelling scheme: refrigerators, freezers, washing machines, tumble dryers, dishwashers, electric ovens, air conditioners and household lamps in 50 shops of different categories.

The main results for the above mentioned products (household lamps excluded) was: 6% no label display, 80% complete label, 15% incorrect label display (3% only the coloured part, 5% data strip only, 7% the two parts but separately placed).

In 2012 the correct presence of the (old and new) label was investigated for: refrigerators, freezers, wine storage appliances, washing machines, tumble dryers, dishwashers, electric ovens, air conditioners, and televisions in 54 shops of different categories.

The main results for the same products as in 2008 with the addition of wine storage appliances are: 11,9% no label display, 84,9% complete label, 3,2% incorrect display of the old label. When TVs are also considered the results were different: 26,1% no label display, 71,7% correct label and 2,2% old label incorrect.



Although some differences are present in the procedure followed in the two surveys, we believe that the macro-results can be nevertheless compared. The main improvement in the 4 years between the two surveys is the drastic reduction of the incorrectly labelled products and the increase of the percentage of the labelled products; contemporarily unfortunately the percentage of the non-labelled products has also increased.

- **How many take place on annual basis:**  
No shop visits were run apart from those described in the above paragraph.
- **What are the results - % of proper label display, does the authority follow results by the types of shops and/or the types of products, if yes, is it possible to share these results?:**  
See above description
- **Fines/ actions – does the authority apply any sanctions, if yes, are there any rules (e.g. interval of compliance of % of properly displayed labels, notification letters in 1st step, etc.)?:**  
Some actions from the Financial Police, but the procedure is not known.
- **How are shops chosen for visits? (randomly, by location, consumer complaints, previous visits):**  
See above description
- **Results publishing – are the overall results published in any way? Where?:**  
See above description
- **Any monitoring of the most common mistakes (wrongly displayed labels, etc.)?:**  
No action
- **Did the introduction of the new energy labels result in any changes? (e.g. improved display in shops):**  
Due to the specificity of the new label to be prepared by suppliers in a unique piece the display in shops has improved in the sense that the previous mistake of displaying only one of the two parts of the label (the part with the arrows and the strip with the declarations) is not possible any more.

### PRODUCT TESTS:

- **How many products are tested annually:**  
Very few and not every year
- **Which products are tested - the same every year or changing:**  
Some years ago air conditioners; in 2013-2014 about 70 lighting sources will be tested.
- **Who is testing (lab) and how is the laboratory selected:**  
Test laboratories do exist at national level for safety verification and are also able to test compliance. Following the national legislations, tests must be performed by accredited laboratories (either public or private), either laboratories of the Ministry and/or other to be identified by a specific Decree.
- **Results of the tests - % of compliance, etc.:**  
No action





- **Resulting actions – any sanctions applied:**  
No action
- **How are product categories and specific models selected for tests? (randomly, consumer compliant, previous problems):**  
No action, in any case will be decided on a product by product basis. The alerts of non-compliance may constitute one of the elements for inclusion in the sample of products to be checked.
- **What is the laboratory selection process? Any possibility to choose foreign laboratory?:**  
Currently only national laboratories are used.
- **Are the test results published or shared in any way?:**  
In general, results will not be made publicly available
- **Any issues raised (testing difficulties, clarity of testing procedures and results, supplier acceptance of test results etc.):**  
Not at the moment since no tests have been performed
- **Did the introduction of the new energy labels and definition of compliance verification brought any changes ? (e.g. in number of tests, clarity of actions, difficulties in test procedures):**  
No differences

### Plans for 2013:

The monitoring program of the energy labelling (and ecodesign) compliance has not yet been started. The DG per il Mercato, la Concorrenza, i Consumatori, la Vigilanza e la Normativa Tecnica – Divisione XVI will implement a program of checks on domestic appliances in the period 2013 - 2014 as part of a Memorandum of Understanding with the Italian Union of Chambers of Commerce, in cooperation with the chambers of commerce in the area, which includes: inspections of manufacturers and distributors as well as carrying out tests in selected laboratories.

### For the moment the level of activity foresees:

- the shop visit action (third round) to be developed within the Come On Labels project
- the intention to test up to 70 models of light sources for the compliance with the old label

### Label vs. Ecodesign:

- **This information research focuses on labelling activities. Are they organised in direct link with ecodesign? (e.g. the same people, budget, product groups, test activities?)**  
Labelling and ecodesign share the same market surveillance Authority, budget, actions etc. even if the transposition legislation is of course different.





## 8.4 Barriers and opportunities to higher level of activities

### 8.4.1 Barriers for higher level of activities

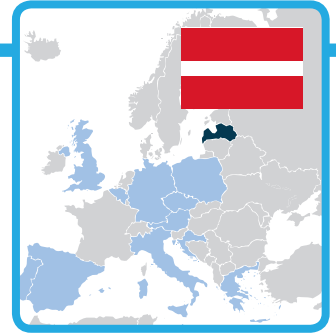
- **What are the reasons for the level of activities (n. of tests and shop visits) not being higher?**
  - Insufficient human resources
  - start-up of a new activity is always complex and slow
  - priority level is not high as it is given more space to the controls of the safety of the products
  - furthermore, the authority is undersized for the actions
  - the market surveillance authority has too many other subjects to deal with
  - difficulty in finding the economic resources for products testing.

### 8.4.2 Opportunities for higher level of activities

- **What opportunities are considered to improve / increase the level of activities?**  
Co-funding of market surveillance actions by the EU programmes/the European Commission offer both financial support and the opportunity to meet with other MSA and related institutions to share experiences, compare procedure and – when possible – results.  
EU centralised market surveillance actions and studies, developed by the European Commission such as the 2008 shop survey promoted by the European Commission.  
Background activities promoted and developed by the EU:
  - data collection on available test laboratories
  - funding of Round Robin tests and other activities to improve the quality of the test results of laboratories
  - development of database(s) to support data collection on document inspection and test results
  - create and maintain a public forum (in addition to the ADCO Groups) on market surveillance with regular workshops for member State Authorities and stakeholders
- **Are the results of surveillance activities shared nationally and/or internationally?**  
Results of surveillance activities developed with national funding are shared nationally among the involved Authorities and institutions, but are not shared internationally. In general the results of activities co-funded by the European Commission through specific projects are shared also internationally.
- **Any interest in further exchange of experience and specific activities?**
  - the participation to common projects and surveillance actions
  - publication of results of the shop surveys, document inspections and laboratory testing
  - the use of international best practice requires a careful adaptation to the national specificity and background conditions

## 8.5 Resources and source of information

- Survey of Compliance Directive 92/75/EEC (Energy Labelling) Final Report for the European Commission Directorate-General Energy and Transport Project Reference No. TREN/D3/238-2006 OJEU 2007/S 124-150987 of 30/06/2007
- ATLETE II project questionnaire (draft)
- ENEA report about the shop visit within the Come On Labels project



## 9 Country: Latvia

### 9.1 National legislation

- **Under which national legislation did your country transpose the Directive defining the revised framework for Energy Labelling (2010/30/EU)?**
  - **Name of the legal act:**
    - Cabinet of Ministers Nr. 480 'Regulations on procedure of labelling of energy and other resource consuming products, as well on advertising and monitoring' came into force on 20th July 2011.
    - Regulation of the Cabinet of Ministers Nr. 803 'Regulations on labelling of household dryers and combined washers and dryers and distant contracts' came into force on 20th December 2011. On 29th of May 2013 Regulation of the Cabinet of Ministers Nr. 706 Amendments of the Cabinet of Ministers of Regulations Nr. 803 'Regulations on labelling of household dryers and combined washers and dryers and distant contracts'.
  - **Type of law (environmental, energy, commercial, other):** Regulations of the Cabinet of Ministers
- **Any note or comment about any specific issue or problem related to the adaption of the legislation:** Directive 2010/30/EU in National legislation is implemented with the law of Cabinet of Ministers Nr. 480 'Regulations on procedure of labelling of energy and other resource consuming products, as well on advertising and monitoring', issued on 21st June 2011.
- **Does the national legislation or related administrative documents or guidelines stipulate precisely how the compliance of the energy label should be verified?**

It is defined that surveillance is done by the Consumer Rights Protection Centre (CRPC) according to market surveillance priorities, taking into account efficient use of resources assigned to CRPC. In carrying out market surveillance, the CRPC officials are entitled to:

  - request and receive free of charge information that is necessary for terms stated in the law (Cabinet of Ministers Nr. 480) for monitoring performance;
  - request and receive free samples and arrange their expertise in order to determine compliance to requirements of the Regulation of Cabinet of Ministers Nr. 480.

According to the request of the European Commission, the Ministry of Economy in cooperation with the CRPC submit a report of the activities carried out regarding market surveillance and situation for labelling.

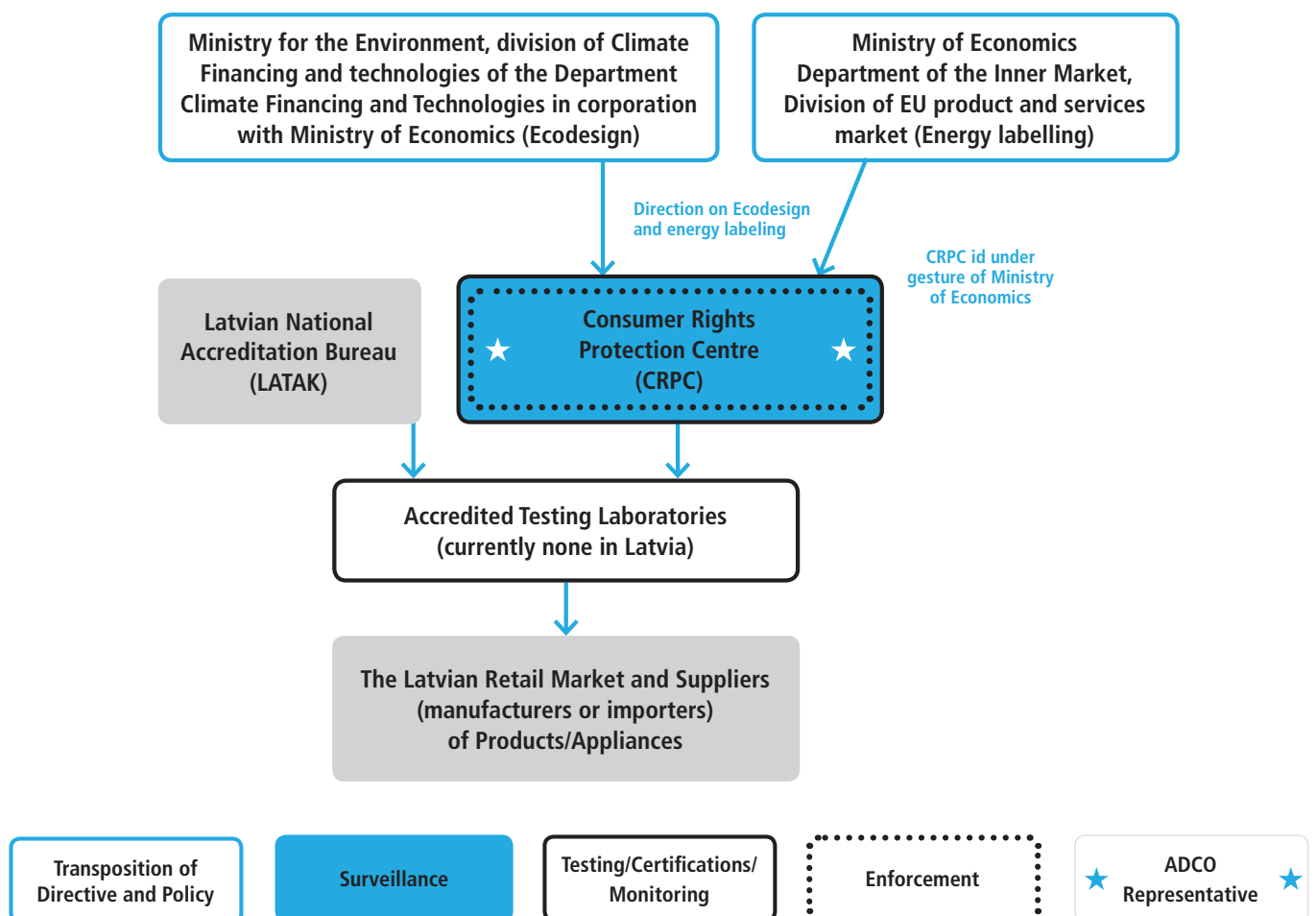


## 9.2 Overview of national authorities and institutions

- Information about stakeholder role, responsibilities (tasks, activities) and resources involved in the energy labelling process:

Authorities and Institutions	Formal role	Resources	
		Staff	Budget
Consumer Rights Protection Centre (CRPC)	The main authority, which supervises implementation of the normative acts on consumer rights protection. CRPC is a governmental authority under supervision of the Ministry of Economics.	–	–
Ministry of Economy	The Ministry of Economics coordinates and supervises the policy of consumer's rights protection.	–	–

The information on the number of involved specialists is not available, neither the assigned budget volume.



Source: CLASP



The aim of CRPC is to protect the consumer rights and interests. One of the main functions of the CRPC is to supervise trade of non-food products and services.

CRPC is the governmental authority under supervision of the Ministry of Economics, which enforces the protection of consumer rights and interests. The operation of CRPC is based on The Consumer Rights Protection Law that is the main legislative act, and it is a basis for the consumer right protection field. The activities of CRPC are regulated by the Statutes of CRPC.

## 9.3 Overview of national market control and verification activities

### 9.3.1 Enforcement system

- Description of national implementation procedures and systems of fines that are in place according to the country's legal system.**

In Latvia, 8 different institutions in 5 different ministries deal with market surveillance. CRPC is the only surveillance authority regarding labelling of household appliances.

CRPC can apply the administrative penalty if there is a non-compliance with laws and regulations.

CRPC insures operation of Consumer Rights Protection Law, Advertising Law, Law on the Safety of Goods and Services, Law on Information Society Services, as well as other laws and many regulations, that regulate consumer rights in Latvia.

- What approach might be taken according to the legislation – possible size of penalties, market removal, publishing results, or other sanctions.**

The fine for a natural (individual) person is ~ 7–355 EUR (5–250 LVL) and for a legal person ~ 30–710 EUR (20–500 LVL).

[Latvian Administrative Violations Code]

### 9.3.2 Description of real activities

The main priority for CRPC is safety. Market surveillance is carried out based on projects approach.

The administrative penalties have not been issued in recent years. The aim is firstly to give information so the corrective actions can be made, and not to punish someone. An administrative fine is applied in the cases when no corrective actions are made, but information on how to improve the situation is given.

## SHOP VISITS

As described before, no shop visits by CRPC are carried out.

In 2012, in the framework of a project “Monitoring of Electrical Appliances”, a subproject monitoring the proper display of energy labels for electrical appliances on the internet was realised. The aim was to check whether the information about appliances is available according to the legislation for refrigerating appliances, washing machines and TV's. Altogether, 168 models were checked – 56 TV's, 56 washing machines and 56 refrigerating appliances at 56 internet stores.



The results are as follows:

- Correct information (according to legislation) is for 7,7% (13 items out of 168) of appliances.
- 63,7% (107 out of 168) were partly labelled (mainly energy efficiency class).

It is easy to find the information, but it is not always easy to perceive it as the information is not very well structured. Also, there is a doubt whether the information is correct, because the information about the same appliance differs among the internet shops.

Since there were discrepancies, CRPC is planning to inform respective dealers in a written form, and at the same time will invite them to a workshop that is a next step towards proper indication of information about appliances in internet shops.

## PRODUCT TESTS

Testing strongly depends on the availability of resources. Another reason is laboratories (since October 2010 Latvia has no operational accredited laboratories). Therefore, the products are not tested in Latvia.

Since 2012 CRPC is cooperating with the Nordic (Nordsyn) project. The aim of this cooperation is to exchange the information and as there are limited possibilities for product testing in Latvia, cooperation within the project will allow to have some testing results and, if possible, to adapt them in Latvia.

CRPC is very interested in this cooperation and the first steps have already been taken, but as this cooperation has just started, currently the results are not available.

### Plans for 2013:

- **Is the level of activities changing every year? What are the specific plans (for shop visits and product tests) for 2013 and beyond?**

A seminar is planned and in order to be sure that the regulations are taken into account, the surveillance in the internet shops will be repeated.

- **If no activities take place at all: why?**

The reason for not having more activities is the lack of financial and human resources.

### Label vs. Ecodesign:

- **This information research focuses on labelling activities. Are they organised in direct link with ecodesign? (e.g. the same people, budget, product groups, test activities?)**

Both labelling and ecodesign are under surveillance of CRPC.

Ministry of Economics is responsible for energy labelling and Ministry of Environmental Protection and Regional Development is responsible for ecodesign.

Directive 2009/120/EC is implemented in the National legislation in the Cabinet of Ministers Nr. 941 'Regulations of ecodesign requirements for energy related products' which is in force since 15th December 2011.



## 9.4 Barriers and opportunities to higher level of activities

### 7.9.1 Barriers for higher level of activities

- **What are the reasons for the level of activities (n. of tests and shop visits) not being higher?**

It is important not only to put a label on the appliances but also to test the products whether they are compliant to information indicated on the label. Here the cooperation within the Nordic project will help.

The safety of appliances is a priority and the shop visits take both financial and human resources which are limited.

### 9.4.2 Opportunities for higher level of activities

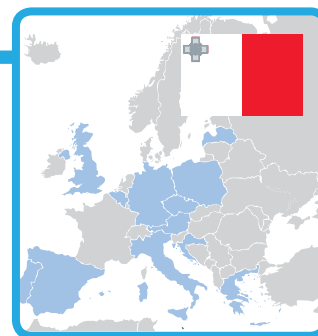
In the past CRPC has been involved in some projects which are related to energy labels and market surveillance, and it is planning to take part in further EU projects (but at the moment not involved in any). Also, currently they have cooperation within the Nordic project.

## 9.5 Resources and source of information

- **Information revealed for Latvia was drafted by Ekodoma, the Come On Labels partner for Latvia, resulting from:**

- Ministry of Economics
- CLASP, Monitoring, Verification and Enforcement Capabilities and practices
- Individual negotiations and meeting with representatives from CRPC (January 2012)
- National legislation

Cabinet of Ministers Nr. 480 “Regulations on procedure of labelling of energy and other resource consuming products, as well on advertising and monitoring”



## 10 Country: Malta

### 10.1 National legislation

#### ■ Under which national legislation did your country transpose the Directive defining the revised framework for Energy Labelling (2010/30/EU)?

The revised framework for Energy Labelling of household appliances (2010/30/EU) has been transposed into Maltese legislation via Legal Notice (L.N.) 337 of 2011 entitled “Indication by Labelling and Standard Product Information of the Consumption of Energy and other Resources by Energy Related Products Regulations, 2011” and consequently became part of the Product Safety Act (CAP. 427). Regulations for specific product groups are also transposed via ‘Implementing Measures’. The following table provides an overview of the main legislative acts and individual product categories covered by the regulations.

#### Product Safety Act (CAP. 427)

Subsidiary Legislation	Legal Notice	Title	URL
Main regulation implementing Commission Directive 2010/30/EU			
S.L. 427.24	L.N. 337 of 2011	Indication by Labelling and Standard Product Information of the Consumption of Energy and other Resources by Energy Related Products Regulations	<a href="http://www.justiceservices.gov.mt/DownloadDocument.aspx?app=lom&amp;itemid=10762&amp;l=1">http://www.justiceservices.gov.mt/DownloadDocument.aspx?app=lom&amp;itemid=10762&amp;l=1</a>
Implementing Measures			
S.L. 427.75	L.N. 338 of 2011	The Energy Labelling of Household Air-Conditioners (Implementing Measures) Regulations	<a href="http://www.justiceservices.gov.mt/DownloadDocument.aspx?app=lom&amp;itemid=11745&amp;l=1">http://www.justiceservices.gov.mt/DownloadDocument.aspx?app=lom&amp;itemid=11745&amp;l=1</a>
S.L. 427.76	L.N. 339 of 2011	The Energy Labelling of Household Combined Washdriers (Implementing Measures) Regulations	<a href="http://www.justiceservices.gov.mt/DownloadDocument.aspx?app=lom&amp;itemid=11746&amp;l=1">http://www.justiceservices.gov.mt/DownloadDocument.aspx?app=lom&amp;itemid=11746&amp;l=1</a>
S.L. 427.77	L.N. 340 of 2011	The Energy Labelling of Household Dish Washers (Implementing Measures) Regulations	<a href="http://www.justiceservices.gov.mt/DownloadDocument.aspx?app=lom&amp;itemid=11747&amp;l=1">http://www.justiceservices.gov.mt/DownloadDocument.aspx?app=lom&amp;itemid=11747&amp;l=1</a>
S.L. 427.78	L.N. 341 of 2011	The Energy Labelling of Household Electric Ovens (Implementing Measures) Regulations	<a href="http://www.justiceservices.gov.mt/DownloadDocument.aspx?app=lom&amp;itemid=11748&amp;l=1">http://www.justiceservices.gov.mt/DownloadDocument.aspx?app=lom&amp;itemid=11748&amp;l=1</a>
S.L. 427.79	L.N. 342 of 2011	The Energy Labelling of Household Lamps (Implementing Measures) Regulations	<a href="http://www.justiceservices.gov.mt/DownloadDocument.aspx?app=lom&amp;itemid=11749&amp;l=1">http://www.justiceservices.gov.mt/DownloadDocument.aspx?app=lom&amp;itemid=11749&amp;l=1</a>
S.L. 427.80	L.N. 343 of 2011	The Energy Labelling of Household Electric Refrigerators, Freezers and their Combinations (Implementing Measures) Regulations	<a href="http://www.justiceservices.gov.mt/DownloadDocument.aspx?app=lom&amp;itemid=11750&amp;l=1">http://www.justiceservices.gov.mt/DownloadDocument.aspx?app=lom&amp;itemid=11750&amp;l=1</a>





### Product Safety Act (CAP. 427)

Subsidiary Legislation	Legal Notice	Title	URL
Implementing Measures			
S.L. 427.81	L.N. 344 of 2011	The Energy Labelling of Household Electric Tumble Driers (Implementing Measures) Regulations	<a href="http://www.justiceservices.gov.mt/DownloadDocument.aspx?app=lom&amp;itemid=11751&amp;l=1">http://www.justiceservices.gov.mt/DownloadDocument.aspx?app=lom&amp;itemid=11751&amp;l=1</a>
S.L. 427.82	L.N. 345 of 2011	The Energy Labelling of Household Washing Machines (Implementing Measures) Regulations	<a href="http://www.justiceservices.gov.mt/DownloadDocument.aspx?app=lom&amp;itemid=11752&amp;l=1">http://www.justiceservices.gov.mt/DownloadDocument.aspx?app=lom&amp;itemid=11752&amp;l=1</a>

There were no specific issues or problems related to the transposition of the EU energy labelling legislation into Maltese law.

■ **Does the national legislation or related administrative documents or guidelines stipulate precisely how the compliance of the energy label should be verified?**

In Malta, the national legislation provides guidance on the powers and responsibilities of the Technical Regulations Division within the Malta Competition and Consumer Affairs Authority. The Technical Regulations Division is the relevant authority in Malta responsible for various regulations that fall under the Product Safety Act (including energy labelling). Whereas the relevant regulations do not include clear guidelines as to how and when the compliance of the energy label should be verified (e.g. shop visits), it clearly lays down the procedures and powers granted to the authority to put an end to non-compliance of products and misuse of the energy label.

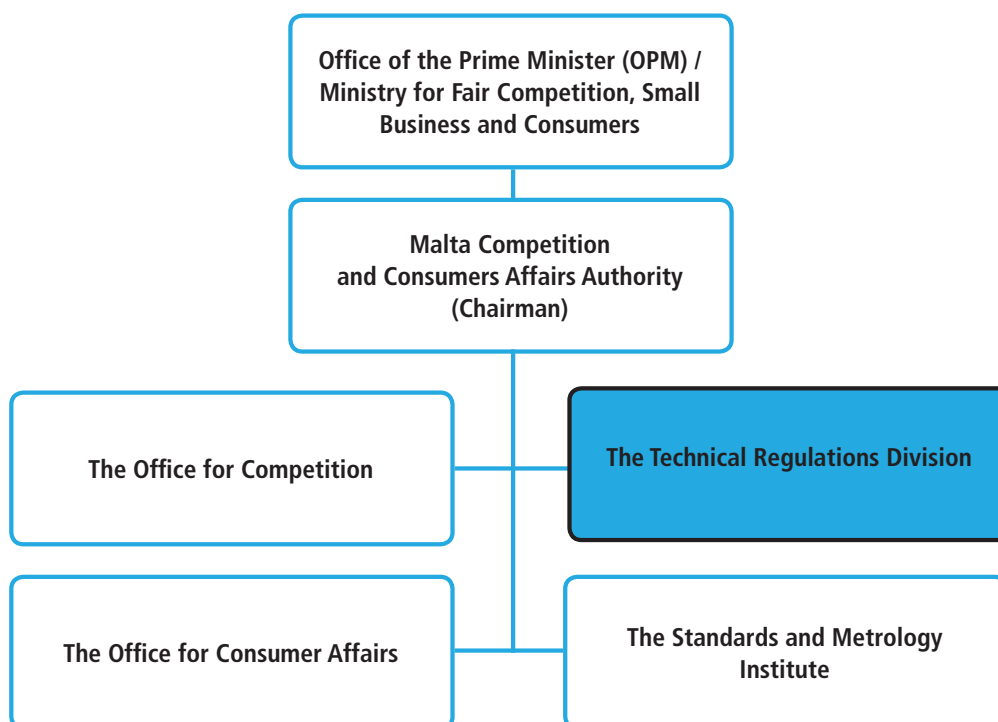
This includes for example, the right of the Technical Regulations Division to request technical documentation in electronic format from suppliers within a specific timeframe (Regulation 6 (3) of S.L. 427.24). In case of potential and actual non-compliance cases, the Technical Regulations Division can order the supplier to forward the evidence within the meaning of regulation 6 concerning the accuracy of the information supplied on their labels or fiches and take the necessary preventative steps to ensure compliance (Regulation 9 of S.L. 427.24).





## 10.2 Overview of national authorities and institutions

- Information about stakeholder role, responsibilities (tasks, activities) and resources involved in the energy labelling process.



Authorities and Institutions	Formal role	Resources	
		Staff	Budget
Technical Regulations Division within the Malta Competition and Consumer Affairs Authority (MCCAA);	Inspectorate responsible for implementing verification activities; advising Ministry regarding legislative changes/ responsible for the whole country; responsible for enforcement of most laws/regulations and product types falling under the Product Safety Act (CAP.427)*	35 (total staff) 4 (market surveillance including energy labeling, ecodesign, CE marking, etc.)	Overall: 2.9 million (2011), ca. 3.5 million (2012)** Budget dedicated to label compliance: N/A
The Prime Minister (Office of the Prime Minister)	Ministry responsible for legislation transposition via Parliamentary Secretary for Consumers, Fair Competition, Local Councils and Public Dialogue on advice of the Director General of the MCCAA (until May 2012).	N/A	N/A
Ministry for Fair Competition, Small Business and Consumers	Ministry responsible for legislation transposition on advice of the Director General of the MCCAA (since June 2012)	N/A	N/A

\* Applicable laws/regulations managed by the Technical Regulations Division within the Malta Competition and Consumer Affairs Authority: <http://www.mccaa.org.mt/en/regulatory-affairs-directorate>

\*\* Government of Malta, Press Release 29th March – MCCAA Budget: [http://www.doi.gov.mt/en/press\\_releases/2012/03/pr0748.pdf](http://www.doi.gov.mt/en/press_releases/2012/03/pr0748.pdf)



By virtue of Legal Notice 190 of 2011, the Malta Competition and Consumer Affairs Authority Act, which establishes the MCCA, came into force in May 2011. The setting up of the MCCA allowed for the amalgamation of the Malta Standards Authority, the Consumer and Competition Department and the Malta National Laboratory. These entities were responsible for consumer affairs, competition law, standards, metrology, technical regulations, market surveillance and product testing. The MCCA now consists of four entities, headed by the Director General, which are:

- the Office for Competition;
- the Office for Consumer Affairs;
- the Technical Regulations Division;
- the Standards and Metrology Institute.

The Technical Regulations Division is the national authority responsible for energy label compliance monitoring and enforcement actions. MCCA has a number of key functions namely:

- to promote and enhance competition policy;
- to promote and enhance consumer policy (incl. energy label verification and product testing)
- to act as the national standards body and provide standardization-related services;
- to prepare and implement the national metrology study;
- to ensure the smooth transposition and adoption of technical regulations such as the energy labelling regulations and implementing measures.

Until the creation of a dedicated Ministry for Fair Competition, Small Business and Consumers in June 2012, the Prime Minister (Office of the Prime Minister) on advice of the MCCA was the responsible entity for amending the Product Safety Act which also included the introduction of the EU energy labelling legislation (Directive 2010/30/EC) into national law.

### ■ Any recent changes (e.g. organisations responsible, budget and staff numbers, definition of responsibilities)?

In Malta, the last general election held on 9th March 2013 brought about a change in government. The newly created Ministry for Social dialogue, consumer affairs and civil liberties is now the responsible ministry for all consumer related issues including legislation such as the Product Safety Act and the EU energy labelling legislation.

## 10.3 Overview of national market control and verification activities

### 10.3.1 Enforcement system

#### ■ Description of national implementation procedures and systems of fines that are in place according to the country's legal system.

The Technical Regulations Division within the Malta Competition and Consumer Affairs Authority (MCCA) is the competent national body responsible for national market control and verification activities. In case of non-compliance as identified by Art. 9 of S.L. 427.24<sup>9</sup>, the Authority is entitled to issue penalties following conviction by a court as provided by Regulation 35 of the Product Safety Act (CAP. 427)<sup>10</sup>. Proceedings against any offence (e.g. non-compliance) under this Act can only be instituted

<sup>9</sup> <http://www.justiceservices.gov.mt/DownloadDocument.aspx?app=lom&itemid=10762&l=1>

<sup>10</sup> <http://www.justiceservices.gov.mt/DownloadDocument.aspx?app=lom&itemid=8893>



by the Director General (Technical Regulations) as appointed by article 19 of the Malta Competition and Consumer Affairs Authority Act.

Depending on the nature and type of offence, on conviction, fines and penalties can range from €465.87 and not exceeding €11,646.87 or to imprisonment for a term between six months and three years or to both.

If a person or business is found guilty of a second or subsequent offence, fines can range from €1,747.03 to €23,293.73, or to imprisonment for a term not exceeding four years or to both.

In certain cases the Court may also additionally order the suspension or cancellation of any licence or licences issued. Furthermore, the Director General of the Malta Competition and Consumer Affairs Authority may issue a public statement which identifies the product, producer, distributor or person in relation to particular products that may adversely affect the interests of consumers in terms of the Product Safety Act (CAP. 427).

However, in the case of energy labelling, so far no fines and sanctions have been issued against non-compliant retailers in Malta. Information meetings and retailer trainings were organised to inform non-compliant shops about their obligation to display energy labels on products correctly.

### 10.3.2 Description of real activities

#### SHOP VISITS:

- **How many take place on annual basis**

The number of shop visits undertaken by the Technical Regulations Division of the Malta Competition and Consumer Affairs Authority are stipulated in the annual National Market Surveillance Programme.<sup>11</sup>

- **What are the results - % of proper label display, does the authority follow results by the types of shops and/or the types of products, if yes, is it possible to share these results?**

The shop visits undertaken by the Authority are not being assessed in terms of types of shops or types of products. Rather, shop visit results are being assessed on the basis of individual retailer performance and the authority follows up particular cases of non-compliance. Currently, the results are not being prepared for publication in aggregated form.

- **Fines/ actions – does the authority apply any sanctions, if yes, are there any rules (e.g. interval of compliance of % of properly displayed labels, notification letters in 1st step, etc.)?**

The procedure for instigating enforcement actions and applying fines strictly follow the proceedings outlined in Product Safety Act (CAP 427). For further details, see Section 8.3.1 above.

- **How are shops chosen for visits? (randomly, by location, consumer complaints, previous visits)**

Shops for verification activities are planned and coordinated according to results gathered from previous visits, consumer complaints and importance the retailer has for the market. Bigger shops which could have a higher impact on the market are more likely to be visited than smaller ones.

- **Results publishing – are the overall results published in any way? Where?**

Results of the shop visits undertaken by the MCCAA are currently not being published.

<sup>11</sup> Overview of the annual published National Market Surveillance Programmes: <http://www.mccaa.org.mt/en/national-market-surveillance>



- **Any monitoring of the most common mistakes (wrongly displayed labels, etc.)?**  
No strategic evaluation is currently undertaken with regards to common mistakes in energy labelling.
- **Did the introduction of the new energy labels result in any changes? (e.g. improved display in shops)**  
According to the shop visit results undertaken within the Come On Labels project, the introduction of the new energy label brought about a considerably lower number of partly and incorrectly labelled products on the Maltese market.

### PRODUCT TESTS:

- **How many products are tested annually**  
No Action. This is due to the fact that there is currently no accredited laboratory available in Malta and because of the limited availability of resources to commission product tests abroad.

#### Plans for 2013:

- **Is the level of activities changing every year? What are the specific plans (for shop visits and product tests) for 2013 and beyond?**  
In Malta, the plans for activity in the field of energy labelling and ecodesign market surveillance are subject to change on an annual basis following a review of priorities and available resources by the Technical Regulations Division. The plans are published annually as part of the National Market Surveillance Programme by the Malta Competition and Consumer Affairs Authority.<sup>12</sup> Regarding energy labelling, the National Market Surveillance Programme 2012 outlined that at least 20 compliance inspections were undertaken. In addition a national information event was organised to inform retailers and suppliers in Malta about their obligations and responsibilities to display the energy label on products in a correct way. According to the National Market Surveillance Programme 2013, the Malta Competition and Consumer Affairs Authority plans to undertake 20 shop visits to verify retailer compliance in 2013. As in previous years, no product tests are planned.

#### Label vs. Ecodesign:

- **This information research focuses on labelling activities. Are they organised in direct link with ecodesign? (e.g. the same people, budget, product groups, test activities?)**  
In Malta, the Ecodesign legislation (and related implementing measures) has also been transposed and was included under the Product Safety Act (CAP.427). Within the Technical Regulations Division of the MCCA the same staff are responsible for labelling and ecodesign activities. However, no compliance checks and test activities regarding the ecodesign legislation are currently undertaken.

## 10.4 Barriers and opportunities to higher level of activities

### 10.4.1 Barriers for higher level of activities

- **What are the reasons for the level of activities (n. of tests and shop visits) not being higher?**  
In Malta, the main reason for the current level of activity is twofold. First of all there is a lack financial and human resources that limit the Authority to conduct more shop visits and training activities than outlined in the annual market surveillance programmes. Budgetary restrictions and the absence of an

<sup>12</sup>MCCA, National Market Surveillance Programme: <http://www.mccaa.org.mt/en/national-market-surveillance>



accredited laboratory also limit the possibility to undertake product testing. In addition, other fields such as product safety which are also the responsibility of the Technical Regulations Division currently have a higher priority.

### 10.4.2 Opportunities for higher level of activities

- **What opportunities are considered to improve / increase the level of activities?**

In Malta, information exchange particularly related to product testing and best practices related to label verification procedures is considered valuable.

- **Are the results of surveillance activities shared nationally and/or internationally?**

Currently, no results of surveillance activities are shared/publicised nationally and/or internationally.

- **Any interest in further exchange of experience and specific activities?**

- Cooperation on EU level authority meetings
- Actively sharing and adapting European and international best practice

### 10.5 Resources and source of information

- **Literature** – publicly available and related to the topic

The Malta Competition and Consumer Affairs Authority (MCCAA) website: <http://www.mccaa.org.mt/Applicablelaws/regulationsmanagedbytheTechnicalRegulationsDivisionwithintheMaltaCompetitionandConsumerAffairsAuthority>: <http://www.mccaa.org.mt/en/regulatory-affairs-directorate>  
Government of Malta, Press Release 29th March 2012 – MCCAA Budget: [http://www.doi.gov.mt/en/press\\_releases/2012/03/pr0748.pdf](http://www.doi.gov.mt/en/press_releases/2012/03/pr0748.pdf)

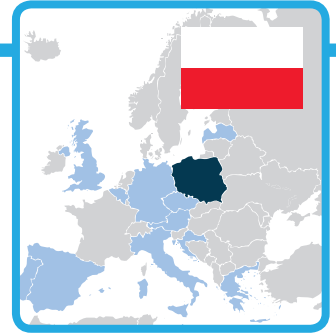
Fines and legal action that can be taken in cases of non-compliance:

<http://www.justiceservices.gov.mt/DownloadDocument.aspx?app=lom&itemid=10762&l=1> / <http://www.justiceservices.gov.mt/DownloadDocument.aspx?app=lom&itemid=8893>

Overview of the annual published National Market Surveillance Programmes: <http://www.mccaa.org.mt/en/national-market-surveillance>

- **Interviews conducted** – with whom and when

Interviews/clarification meetings with the MCCAA officials responsible for labelling were conducted via telephone and email. Dates: 01/02/2013, 08/02/2013, 22/02/2013



## 11 Country: Poland

### 11.1 National legislation

- **Under which national legislation did your country transpose the Directive defining the revised framework for Energy Labelling (2010/30/EU)?**
  - **Name of the legal act:** Act on the obligations to provide information about the energy consumption of energy-using products
  - **When was it transposed:** 12th September 2012
  - **What type of law it is:** other
  
- **Any note about any specific issue or problem related to the adaption of the legislation?**

The new energy label was introduced to the Polish market by the Act of 14th September 2012 on the obligations to provide information about the energy consumption of energy-using products. Prepared by Ministry of Economy and adopted by Polish Parliament, it came into force on 1st February 2013. Poland was the last country to adopt the legislation and on March 22nd 2012 was officially and publicly urged by the European Commission to adapt the legislation.
  
- **Does the national legislation or related administrative documents or guidelines stipulate precisely how the compliance of the energy label should be verified?**

Yes it does. As regards labelling, the Act on the obligations to provide information about the energy consumption of energy-using products specifies information requirements on the consumption of energy and other essential resources by products using energy or on the impact of these products on energy consumption as well as principles of organization and operation of the control system. The provisions of the Act shall apply to energy-using products for which technical documentation and application of labels and cards determine the “delegated acts” of the European Commission. The national legislation specified that the Office of Competition and Consumer Protection (UOKiK) and Office of Electronic Communications (UKE) are the surveillance authorities responsible for the monitoring of energy label compliance. For monitoring and controlling the provisions of the Act of 30th August 2002, a conformity assessment system will be used.



## 11.2 Overview of national authorities and institutions

- **Information about stakeholder role, responsibilities (tasks, activities) and resources involved in the energy labelling process.**

Authorities and Institutions	Formal role	Resources	
		Staff	Budget
Ministry of Economy	Adoption of legislation	No specific for labelling	No specific for labelling
Office of Competition and Consumer Protection (UOKiK)	Market Surveillance Authority (all energy related products)	No specific for labelling	No specific for labelling
Voivodships' inspectorates	Controlling (all energy related products except TVs)	No specific for labelling	No specific for labelling
Office of Electronic Communications (UKE)	Controlling and testing (TVs only)	No specific for labelling	No specific for labelling

- **Any recent changes (e.g. organisations responsible, budget and staff numbers, definition of responsibilities)?**  
No changes, but the implementation of the system took place relating to the full adaption of the labelling legislation, in September 2012.

## 11.3 Overview of national market control and verification activities

### 11.3.1 Enforcement system

- **Who is eligible to issue fines or prosecutions and in which case**  
The Office of Competition and Consumer Protection (UOKiK) is the organisation legally entitled to undertake activities in both controlling the labels in shops and in the label declaration verifications.
- **Description of national implementation procedures and systems of fines that are in place according to the country's legal system.**  
In the case of a default on the obligations or failure to comply with the prohibitions, the control authority may apply to controlled retailer or supplier by:
  - removal of non-compliant product or
  - suspension of sales of energy-using products, or
  - energy-using product recall from the market or from use or
  - to suspend the provision of energy-using products, or
  - to stop advertising the product using energy,
  - to provide evidence of actions taken within the period specified by the inspecting body.





- **What approach might be taken according to the legislation – possible size of penalties, market removal, publishing results, or other sanctions.**

If the controlled retailer or supplier does not provide evidence of actions taken within the time limit set by the inspection authority or it was found by inspector that such actions are not taken, the inspection authority may issue a decision:

- requiring the distributor to stop sale of energy-using products,
- requiring the supplier to withdraw from the market of energy-using products,
- prohibiting the provision of energy-using products,
- prohibiting the advertising of energy-using products,
- within the period specified by the inspecting body.

According to the system of penalties used by UOKiK, it is allowed to impose a penalty ranging from 5 to 20 multiple of average wages.

### 11.3.2 Description of real activities

As the Act on the obligations to provide information about the energy consumption of energy-using products came into force since 1st February no activities took place in Poland till now.

According to the information received from UOKiK they plan to control 12 products no earlier than in fourth quarter of 2013.

UKE had not officially informed KAPE about their plans for nearer future.

#### SHOP VISITS:

- **How many shop visits take place on annual basis**

No action

#### PRODUCT TESTS:

- **How many products are tested annually for label compliance**

No action

#### Plans for 2013:

- **Is the level of activities changing every year? What are the specific plans (for shop visits and product tests) for 2013 and beyond?**

According to the information received from UOKiK they plan to control 12 products no earlier than in fourth quarter of 2013. It was not decided in which Polish laboratory the test will take place.

It is not decided as well how many products will be controlled in future years.

- **If no activities take place at all: why?**

**If no activities are publicly available: what is the explanation?**

As the Act on the obligations to provide information about the energy consumption of energy-using products came into force since 1st February 2013 no activities took place in Poland till now.





## 11.4 Barriers and opportunities to higher level of activities

### 11.4.1 Barriers for higher level of activities

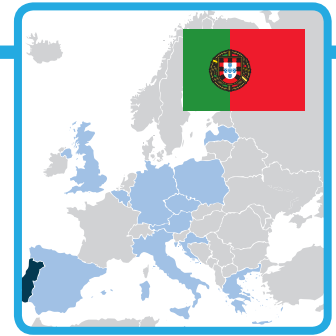
- **What are the reasons for the level of activities (n. of tests and shop visits) not being higher?**  
Lack of financial resources and different priorities (controlling dangerous products such as fireworks have priority) are the main reasons for the level of activities.

### 11.4.2 Opportunities for higher level of activities

- **What opportunities are considered to improve / increase the level of activities?**  
Increasing the awareness of shop assistants.  
European exchange of information on surveillance activities  
European projects on controlling system with the participation of market surveillance authorities.
- **Are the results of surveillance activities shared nationally and/or internationally?**  
No yet
- **Any interest in further exchange of experience and specific activities?**
  - Participating to international projects
  - Actively sharing and adapting intl. best practice

## 11.5 Resources and source of information

- **Information prepared for Poland was drafted by KAPE, the Come On Labels partner from Poland, resulting from:**
  - Act on the obligations to provide information about the energy consumption of energy-using products
  - Interviews with representatives of UOKiK and UKE
  - Interviews with representatives of Ministry of Economy



## 12 Country: Portugal

### 12.1 National legislation

- **Under which national legislation did your country transpose the Directive defining the revised framework for Energy Labelling (2010/30/EU)?**
  - **Name of the legal act:** Decree-Law no. 63/2011
  - **When was it transposed:** in force since 20th July 2011
  - **What type of law it is:** Consumer Protection Law
- **Any note about any specific issue or problem related to the adaption of the legislation?**

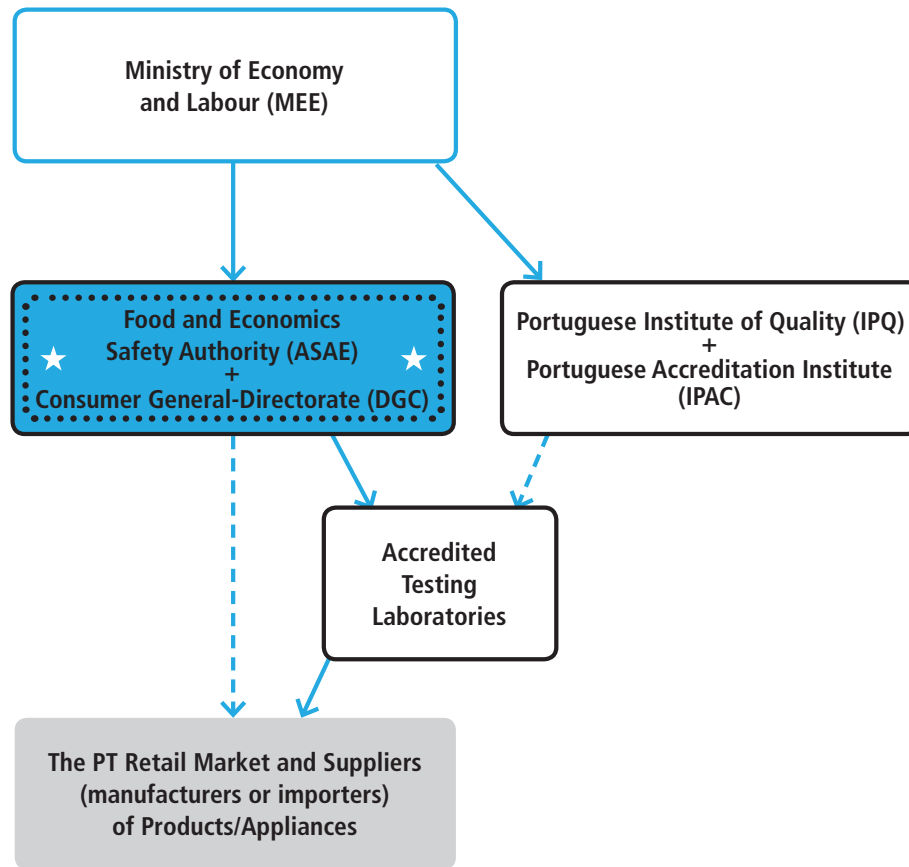
The ErP Directive and the Energy Labelling Directive were transposed to the Portuguese law by two Decree-laws (No. 12/2011 and No. 63/2011) and entered into force in 1/2011 and 7/2011, respectively. Both decrees were issued by the Ministry of Economy, Innovation and Development and fulfill the aims of the National Strategy for Energy (ENE 2020) published in 4/2010.
- **Does the national legislation or related administrative documents or guidelines stipulate precisely how the compliance of the energy label should be verified?**

Yes, it does. Both decrees state the authorities and institutions involved and their specific roles in the implementation of labelling and ecodesign legislations, including the nomination of the national market surveillance authority (which is the Food and Economic Safety Authority, except for advertisement assigned to Consumer Directorate-General).

### 12.2 Overview of national authorities and institutions

- **Information about stakeholder role, responsibilities (tasks, activities) and resources involved in the energy labelling process.**

Authorities and Institutions	Formal role	Resources	
		Staff	Budget
Ministry of Economy and Labour Directorate-General for Energy and Geology Directorate-General for Economic Activities	Transposition of the legislation Coordination of energy labelling scheme Coordination of ecodesign scheme	No specific for labelling	n.a.
Food and Economic Safety Authority Consumer Directorate-General	Market surveillance authority (except for advertisement verification) Advertisement verification authority	No specific for labelling	n.a.
Portuguese Institute of Quality	Standardisation, accreditation and metrology	No specific for labelling	n.a.
Portuguese Accreditation Institute	Laboratories accreditation	No specific for labelling	n.a.



Any recent changes (e.g. organisations responsible, budget and staff numbers, definition of responsibilities)?

Currently (3/2013) there is a public tender for the positions of Inspector-General and Sub-inspector-General in Food and Economic Safety Authority.

## 12.3 Overview of national market control and verification activities

### 12.3.1 Enforcement system

- **Description of national implementation procedures and systems of fines that are in place according to the country's legal system.**

The Food and Economic Safety Authority (ASAE) is responsible for market surveillance of energy related products, covering both the energy labelling and ecodesign activities.

The Consumer Directorate-General (DGC) is responsible for advertisement verification regarding the energy labelling activities.



Both authorities are responsible for infringement proceedings.

### ■ Who is eligible to issue fines or prosecutions and in which case

The Commission for the Enforcement of Fines for Economic Matters (CACMEP) is the body responsible for issuing fines and prosecutions when:

- the product is not properly labelled,
- there is no information for the end-user who cannot see the product displayed,
- advertisement requirements and suppliers/producers obligations are not fulfilled,
- label misuse,
- no technical documentation to confirm the data displayed on the labels.

### ■ What approach might be taken according to the legislation – possible size of penalties, market removal, publishing results, or other sanctions.

The penalties typically range from 150 to 3000€.

No information about individual cases (size or frequency) is available.

## 12.3.2 Description of real activities

### SHOP VISITS:

#### ■ How many shop visits take place on annual basis

None in the last two years at least.

### PRODUCT TESTS:

#### ■ How many products are tested annually

None in the last two years at least.

### Plans for 2013:

#### ■ Is the level of activities changing every year? What are the specific plans (for shop visits and product tests) for 2013 and beyond?

ASAE has a wide range of action being responsible for the inspection of the economic activities in the food and non-food sectors. No product testing for label compliance due to budget constraints and broader range of priorities of the Authority is foreseen.

The activities regarding energy labelling are foreseen in the 2013 surveillance plan.

#### ■ If no activities take place at all: why?

Information about these activities is not publicly available.

## 12.4 Barriers and opportunities to higher level of activities

### 12.4.1 Barriers for higher level of activities

#### ■ What are the reasons for the level of activities (n. of tests and shop visits) not being higher?

Mainly due to lack of financial and human resources but also different priorities of action.



## 12.4.2 Opportunities for higher level of activities

- **What opportunities are considered to improve / increase the level of activities?**  
European exchange of information on surveillance activities are considered as beneficial.  
As well as the financial support from the EU to national market surveillance activities.
- **Are the results of surveillance activities shared nationally and/or internationally?**  
Internationally in ADCO labelling group meeting and questionnaires issued by the EC, Ecopliant and ATLETE II projects.
- **Any interest in further exchange of experience and specific activities?**
  - Cooperation on EU level authority meetings: regular participation to ADCO labelling group meetings
  - Participating to international projects
  - Actively sharing and adapting intl. best practice: interested in exchange of information and sharing best practice guidance

## 12.5 Resources and source of information

- **Information revealed for Portugal was drafted by Quercus, the Come On Labels partner for Portugal, resulting from:**  
Share of information with officers from the following authorities:
  - Food and Economic Safety Authority
  - Directorate-General for Energy and Geology**Literature** – publicly available and related to the topic



## 13 Country: Spain

### 13.1 National legislation

- **Under which national legislation did your country transpose the Directive defining the revised framework for Energy Labelling (2010/30/EU)?**
  - Name of the legal act: Decree RD 1390/2011 of 14th October for all the product groups.
  - When was transposed: in force since October 2011
  - Type of law: Law of health, commerce and industry.
  
- **Any note about any specific issue or problem related to the adaption of the legislation?**

The transposition of the Energy Label Directive was done by RD 1390/2011 of 14th October for all the product groups concerned and it was promulgated by the Ministry of Sanitary and Consumption and the Ministry of Industry, Energy and Tourism.

This decree defines the regulation related to energy consumption and other resources of the energy related products including the energy label and related normalised information.

With this decree the EU Directive 2010/30/EU is incorporated to the Spanish legal order.

This Decree specifically mentions the EU Regulations 1059/2010, 1060/2010, 1061/2010, 1062/2010 and for the air conditioning units the Commission Delegated Regulation No 626/2011.

The set of institutional arrangements in terms of market surveillance activities is identical to the rest of the product groups covered by this legislation.
  
- **Does the national legislation or related administrative documents or guidelines stipulate precisely how the compliance of the energy label should be verified?**

The above mentioned decree defines the authorities responsible for market surveillance in Spain:

  - Ministry of Sanitary, Social Services and Equity with the National Institute of Consumption (INC),
  - the Ministry of Industry, Energy and Tourism with the Centros Directivos,
  - and the Regional Governments will elaborate a specific report (“Informe preceptivo”) with the activities carried out about market surveillance and the level of compliance. This report has to be sent to INC.

The authorities within the Regional governments are responsible to conduct the shop inspections and make decisions on sanctions.

Inspectors check the energy label and also the technical information for the specific appliance models. The inspectors are also allowed to require a product test.

The reports on surveillance activities are sent to the INC who collects all information from the 19 authorities.

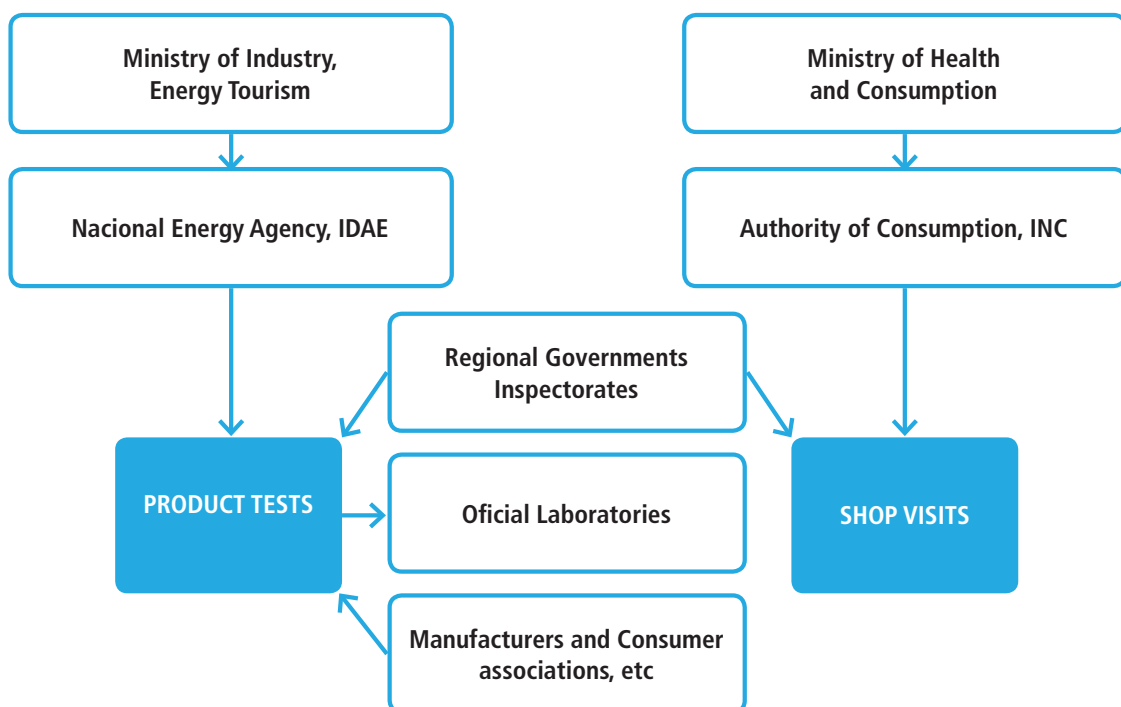
Product tests are done by Regional Governments, and by the National Energy Agency. There are several independent and official laboratories able to carry out compliance tests in Spain.



### 13.2 Overview of national authorities and institutions

- Information about stakeholder role, responsibilities (tasks, activities) and resources involved in the energy labelling process.

Authorities and Institutions	Formal role	Resources	
		Staff	Budget
Ministry of Industry, Energy and Tourism	Approval of energy legislation, energy policies, as the National Energy Action Plan Quality of products. Eco-design.	1	NA
IDAE	MElaboration of National Energy Action Plan, which includes measures on Domestic appliances initiatives (rebates, product tests)	2–3	NA
Ministry of Health and Commerce	Market surveillance	Not specific for energy labelling	NA
National Institute of Consumption, INC	Inspectorates for quality of products and security. Adaptation of some legislations	Not specific for energy labelling	NA
Regional Governments -DG of Commerce	Randomly inspects the shop for security, sanitary and consumer purposes. Sometimes also check the label of products.	18 regions	NA
Manufacturers National Association of manufacturer	Some manufacturers conduct product test of other manufacturers.	1 partial time	NA
4-6 Official Laboratories	LCOE, Laboratory in Catalonia, Galicia, etc	NA	n.a.







### 13.3 Overview of national market control and verification activities

#### 13.3.1 Enforcement system

- **Description of national implementation procedures and systems of fines that are in place according to the country's legal system.**

Authorities of market surveillance are allowed to:

- Carry out periodic inspections to guarantee that all suppliers and retailers operating in Spain fulfill the obligations that are included in Articles 6 and 7 of the Decree RD 1390/2011.
- To develop information campaigns focused on promotion and education about energy efficiency and a more responsible energy use by the end users.
- Cooperate between the authorities and also with the National Consumption Authority to report to the European Commission and to provide the required information resulting from the Decree RD 1390/2011. The administrative cooperation and the information exchange is expected to take place via electronic media, to be cost effective and is allowed to receive support from the programmes of the European Union.
- To guarantee the security and confidentiality of the information that is provided in the procedures undertaken within this Decree, and the protection of that information as required
- Ask the suppliers, if the authority is suspicious that the information on the energy label is not correct, research the information, document and conduct necessary tests that prove the correctness of the information that is in the labels or in the fiche of the products in order to verify Art 6 and 7 of the Decree.

- **What approach might be taken according to the legislation – possible size of penalties, market removal, publishing results, or other sanctions.**

The size of penalties that can legally be applied varies from 500 to 300 000 Euro.

The penalties imposed so far related to the lack of proper label display in the supplier chain and no penalties were yet imposed related to product testing.

The Authorities are publishing summary results on the website (<http://www.consumo-inc.gob.es>) of the National Institute of Consumption, as well as in the form of articles.

#### 13.3.2 Description of real activities

##### SHOP VISITS:

- **How many shop visits take place on annual basis, and what are the results**

The number of shop visits that take place on an annual basis is not neither collected or published.

Each of the Regional Governments carry out their own shop visits and some of them are focusing on security normalisation compliance, others in product quality, and others on energy labelling.

Some Regional Governments carry out the visits every year and some others every 2–3 years.

Below we specify information available about the National Campaigns that were carried out at the national level:

The shop visits are carried out by the Consumption Authorities of the Regional Governments. Three national campaigns related to the products with an energy label were carried out:

- Compact Fluorescent Lights: 2011, Participation by 10 Regional Governments, 305 CFLs verified
- Domestic appliances: 2012, Participation by 10 Regional Governments, 450 appliances verified
- Energy labelling: 2013, Participation by 12-14 Regional governments, activity currently on-going



Source: <http://www.consumo-inc.gob.es/controlMercado/home.htm?id=80>

- **Fines/ actions – does the authority apply any sanctions, if yes, are there any rules (e.g. interval of compliance of % of properly displayed labels, notification letters in 1st step, etc.)?**

There are three categories of sanctions defined: minor, serious and very serious.

According to the administrative procedure, the size of the possible fines are:

- Minor : 500-3000 Euros
- Serious: 3000-15000 Euros
- Very serious: 15000-300000 Euros

- **How are shops chosen for visits (randomly, by location, consumer complaints, previous visits)?**

The shops are chosen randomly and possibly also by the significance on the market share.

- **Results publishing – are the overall results published in any way? Where?**

The general publication of the results of the National Campaigns is published on the INC website: <http://www.consumo-inc.gob.es/controlMercado/home.htm?id=80>

- **Any monitoring of the most common mistakes? (wrongly displayed labels, etc.)**

The monitoring is done mainly by shop type and sometimes by product type.

The inspectors check the presence of the energy label, verify that the label corresponds to the appliance model, and verify that the label contains all the parameters required.

In case of discrepancy, the manufacturer/supplier should send a report to the inspector. Several times the inspectors also required a laboratory test of the appliance.

- **Did the introduction of the new energy labels result in any changes? (eg. improved display in shops)**

It is not possible to make any comparison because “Campaign 2012” is the first national campaign about energy labelling.

Previously, the most significant influence on the presence of labels in shops was the introduction of a



subsidy programme “RENOVE PLAN”. The new energy labels as such are not considered to influence significantly the behavior of retailers in terms of the proper label display.

### PRODUCT TESTS:

#### ■ How many products are tested annually

##### **Which products are tested - the same every year or changing?**

The Central Government, mainly IDAE, chooses some appliance models randomly and also check the compliance of the product by testing its performance parameters. The products that comply are maintained in the database and those who do not comply with the data of the energy label are taken out of the database (the database being a list of products which are subject to consumer subsidy scheme).

The non-profit “Organisation of Consumers and Users” tests white appliances, TVs, etc. This is done periodically every 2-3 years and the results are published with regards to the best quality - price relation consumers. Sometimes the energy and water consumption parameters are measured, but not according to the energy label specifications.

Compliance: the verification of labelling compliance is done also by competing manufacturers. The manufacturers usually do this for new products entering the Spanish market. In the case of non-compliance suspicion, the results are published and a formal reaction of the authorities is requested.

Summary of product testing includes:

- 2013: National Energy Agency, IDAE, announced no plans to conduct product tests during the first quarter of 2013.
- 2012: Regional government’s organised tests of domestic appliances at official laboratories, mostly in coordination with the INC, testing took place at official laboratories and the INC laboratory.
- 2012: Organization of Consumers and Users, (NGO) performed test on several TVs and did choose 6 best TVs. These tests were about quality – price. Not related to label compliance.
- 2010 – 2012: Some manufacturers carried out tests and the Spanish Association of Domestic Appliances Manufacturers, ANFEL, required formal procedures to take place, and made some of the test results public.
- 2011: Campaign of shop visits on CFL light sources performed by 10 Regional Governments. Some of the tests took place in official laboratory of the National Institute of Consumption.
- 2008–2011: National Energy agency, IDAE, manages the database of domestic appliances. The Agency also operates an official laboratory which carried out several test (see table below).

**Table: List of product categories tested between 2008 and 2011:**

Appliance	Years	Number of models
Ovens	2008-2011	5
Refrigerator-freezers	2008-2011	22 (3 pending)
Freezers	2011	1
Washing machines	2009-2011	5
Washer-dryers	2011	1
Dishwashers	2011	2 (1 pending)



### ■ Who is testing and how is the laboratory selected?

There are several laboratories, including the official certified laboratories, laboratories of the consumer organization OCU, and the manufacturers' laboratories.

The Regional governments select independent and officially certified laboratories.

### ■ Results of the tests - % of compliance, etc.

Out of the table above, 20 models did not comply with the energy label declarations. Specific results and further details are not available.

### ■ Resulting actions – any sanctions applied?

For the product of the IDAE database the product that do not comply are not included in the database and therefore not a subject to the subsidy scheme.

For the products tested by the manufacturers and ANFEL, the start of the legal process and public naming has been undertaken.

### ■ Are the test results published or shared in any way?

The IDAE scheme does not publish test results.

Manufacturers, association of manufacturers ANFEL, and the consumer organization OCU publish the results of their tests.

### ■ Any issues raised (testing difficulties, clarity of testing procedures and results, supplier acceptance of test results etc.)

Testing only the Step 1 (1 unit of the selected model tested) takes place, not the formally required Step 2 (3 additional units).

### ■ Did the introduction of the new energy labels and definition of compliance verification bring any changes? (e.g. In number of tests, clarity of actions, difficulties in test procedures)

The new energy labels are well accepted but the number of tests did not increase after their introduction.

### Plans for 2013:

### ■ Is the level of activities changing every year? What are the specific plans (for shop visits and product tests) for 2013 and beyond?

In 2013, the National Campaign of labelling is going to be carried out, consisting of shop visits and a small number of product tests. The consumption authorities of the regional government are developing the activities.

### Label vs. Ecodesign:

### ■ This information research focuses on labelling activities. Are they organised in direct link with ecodesign? (e.g. the same people, budget, product groups, test activities?)

No ecodesign surveillance activities are foreseen.



## 13.4 Barriers and opportunities to higher level of activities

### 13.4.1 Barriers for higher level of activities

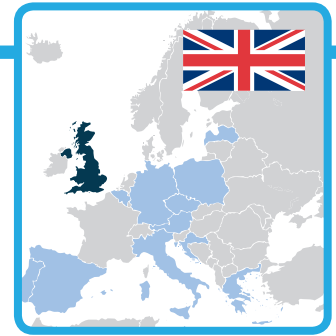
- **What are the reasons for the level of activities (n. of tests and shop visits) not being higher?**  
It is not possible to cover a high sample of the market due to lack of budget and lack of human resources.

### 13.4.2 Opportunities for higher level of activities

- **What opportunities are considered to improve / increase the level of activities?**  
To increase the national budget for these activities and increase the number of specialised staff for this issues.
- **Are the results of surveillance activities shared nationally and/or internationally?**  
At national level the campaign results are published on the INC website: <http://www.consumo-inc.gob.es/controlMercado/home.htm?id=80>  
At European level, INC participates in Committees and Groups of the DG SANCO and DG INDUSTRY. Participation is also established in European campaigns of the consumer organisations, including a Programme of personel exchange for the products control and European database of products tested by the consumer organisations.
- **Any interest in further exchange of experience and specific activities?**
  - Cooperation on EU level authority meetings: yes, but lack of human resources
  - Participating to international projects: yes, but lack of human resources
  - Actively sharing and adapting intl. best practice: yes

## 13.5 Resources and source of information

- **Interviews conducted by Escan, s.l. with different institutions related to commerce and energy:**
  - Ministry of Industry Energy and Tourism
  - National Energy Agency
  - Official Laboratory, LCOE
  - National Institute of Consumption, INC
  - Consumers and Users Organization, OCU



## 14 Country: United Kingdom

### 14.1 National legislation

- **Under which national legislation did your country transpose the Directive defining the revised framework for Energy Labelling (2010/30/EU)?**
  - The Directive was transposed into the Energy Information Regulations 2011 in June 2011.
  - The regulation is classed as energy conservation under UK law.
- **Does the national legislation or related administrative documents or guidelines stipulate precisely how the compliance of the energy label should be verified?**

The regulations, Enforcement 4, states:

  - (1) The local weights and measures authority, and in relation to Northern Ireland the Department of Enterprise Trade and Investment, enforce regulation 8 (responsibilities of dealers), regulation 9 (information requirements) and RAMS.
  - (2) The Secretary of State enforces regulation 7 (responsibilities of suppliers), regulation 9, regulation 10 (misleading information) and RAMS.
  - (3) Each of these is referred to as a “market surveillance authority”.

### 14.2 Overview of national authorities and institutions

- **Information about stakeholder role, responsibilities (tasks, activities) and resources involved in the energy labelling process:**

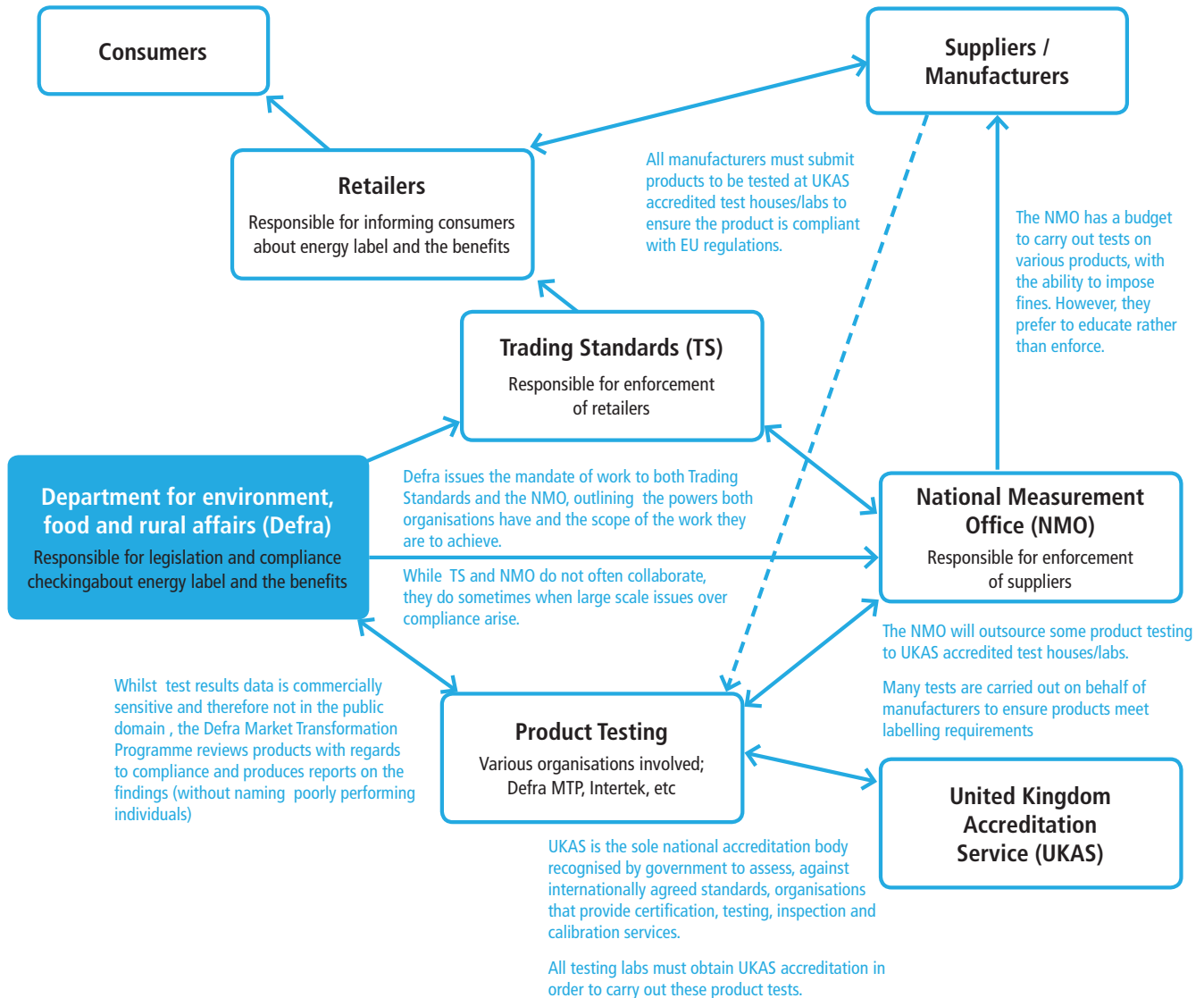
See the following page for a UK organisational flow chart illustrating how each authority/organisation interacts with one another.

Authorities and Institutions	Formal role	Resources	
		Staff	Budget
Department for Environment, Food and Rural Affairs (Defra)	Responsible for transposing the EU directive into UK legislation.	Unknown	Unknown
National Measurements Office (NMO)	Verification of supplier/manufacture compliance and some product testing.	Unknown	Unknown
Trading Standards	Verification of retailer compliance. Each County Council/ Local Authority has a team of officers responsible for their geographical area.	Varies within each geographical area, total unknown.	Unknown
Advertising Standards Authority / NMO	Verification of distance selling compliance, with NMO providing enforcement where self-regulatory approach is insufficient.	Unknown	Unknown
UKAS (UK Accreditation Service)	UKAS is the sole national accreditation body recognised by government to assess, against internationally agreed standards, organisations that provide certification, testing, inspection and calibration services. All testing labs must obtain UKAS accreditation in order to carry out these product tests.	Unknown	Unknown





### Energy Labelling: UK Organisational Flow Chart



## 14.3 Overview of national market control and verification activities

### 14.3.1 Enforcement system

**Description of national implementation procedures and systems of fines that are in place according to the country's legal system.**

The NMO and Trading Standards both have the ability to enforce non-compliance through a series of fines and penalties; for example manufacturers can be fined up to £5,000, if they fail to respond/correct the label. There have been various case studies published on the NMO's website illustrating the enforcement that has taken place as a result of non-compliance amongst both retailers and suppliers/manufacturers. For example one retailer was fined £20,000 for incorrectly labelling an appliance, which meant that the performance was better than it was in reality.





The National Measurement Office (NMO) have been appointed by the Secretary of State to enforce regulation 7 (responsibilities of suppliers), regulation 9, regulation 10 (misleading information) and RAMS. The local weights and measures authority, and in relation to Northern Ireland the Department of Enterprise Trade and Investment, enforce regulation 8 (responsibilities of dealers), regulation 9 (information requirements) and RAMS. It should also be noted that the Advertising Standards Authority are responsible for advertising and distance selling requirements.

The NMO Enforcement Authority operates a Hampton compliant mixed model enforcement service which combines market surveillance with product testing and business support in order to increase compliance. All of NMOs enforcement decisions are intelligence led and risk based and although NMO aim to achieve compliance through cooperation, all actions taken are proportionate and are those that most efficiently achieve long term compliance and the objectives of the Directive and implementing regulations.

The NMOs enforcement regime has been established via a carefully negotiated Memorandum of Understanding, which specifies the contractual requirements and corresponding enforcement legislation with Defra.

Financial allocations are reviewed annually between the NMO and Defra, providing a crucial, more flexible financial and negotiable approach than other less direct funding programmes allow for.

Risks are assessed centrally and an appropriate allocation of resources is made accordingly. This leads to a more flexible national coverage of the UK rather than pre-determined allocations to each region or local area. The model allows a focus on the complex technical and legal element of the legislation to be created, avoiding the disaggregation of this important and sometimes overlooked function. All these unique aspects provide a very efficient, flexible and dedicated team for the enforcement of legislative provisions and activities which support the main objectives of the legislation.

As a market surveillance authority, NMO are guided by UK implementing legislation, the EU Regulation on Accreditation and Market Surveillance (RAMS), International standards and best practice within the enforcement community. The NMO aims to work with and support industry to ensure the impact of these challenges is minimised whilst ensuring continued support to fair markets and the objectives of the regulations. Where requirements and standards may be interpreted in unforeseen ways NMO works with test houses, policy leaders and, as chair of the European Administrative Cooperation Group (ADCO) for Energy Labelling, all the Market Surveillance Authorities throughout Europe, to ensure and improve consistency and to share best practice.

Technical facilities allow for the screening and pre-testing of products with an aim to build effective risk assessment models which can facilitate best value from external testing budgets, reduce the burden on compliant businesses and help direct our resources.

In all cases of non-compliance the full suite of possible actions will be considered and the most appropriate selected in order to help those aiming to comply and pursue vigorously those that intend to flout compliance, including possible prosecution.



### 14.3.2 Description of real activities

The following covers a description of the activities that have been undertaken by the market surveillance authorities in the UK.

#### SHOP VISITS:

- **How many take place on annual basis?**

With the exception of 2012, it is unknown how many shops are visited on an annual basis. The published results in 2012 were carried out by the NMO, but normally this would be done by Trading Standards. Budget cuts and more pressing priorities mean that in reality retailer compliance is a low priority for many Trading Standards teams across the country.

- **What are the results - % of proper label display, does the authority follow results by the types of shops and/or the types of products, if yes, and is it possible to share these results?**

In the 2012 survey by the NMO 188 retailers were visited, resulting in average compliance rates of 70%. In total 28,000 products were captured within the survey and of these 60% were compliant. The results of this survey have been published here: <http://www.bis.gov.uk/assets/nmo/docs/elf/news/energy%20labelling%20framework%20directive%20uk%20compliance%20project%202012%20final.pdf>

- **Fines/ actions – does the authority apply any sanctions, if yes, are there any rules (e.g. interval of compliance of % of properly displayed labels, notification letters in 1st step, etc.)?**

The NMO report states that “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”. Severe non-compliance was set a rate of 50-100%.

- **How are shops chosen for visits? (randomly, by location, consumer complaints, previous visits)**

Retailers were selected by Premise type based on risk and market exposure. 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.

- **Any monitoring of the most common mistakes? (Wrongly displayed labels etc.)**

The 2012 NMO survey discussed and referenced the Come On Labels project and carried out a very similar methodology. Similar to Come On Labels the report highlights some of the more common mistakes and also offers recommendations for improving compliance rates, mainly through increased shop floor level knowledge.

- **Did the introduction of the new energy labels result in any changes? (e.g. improved display in shops)**

Of the 188 retailers visited 61 were sent a letter that detailed what problems were found and requested a response to state what actions are being taken to correct the compliance issue. Of these 50% responded; with the remaining retailers being contacted once more to check receipt of the original letter.



### PRODUCT TESTS:

- **How many products are tested annually**  
It is not known how many products are tested every year, but the NMO does have a budget to carry out tests on products that they are aware have issues or have been reported by consumers.  
However, the Energy Saving Trust (EST) Recommended scheme (which only lists the top 20% energy efficient products in certain categories) carried out 15 tests in 2010–11; and 9 tests in 2011–12.
- **Which products are tested - the same every year or changing?**  
In general different products are tested each year.  
EST tested cold appliances only.
- **Who is testing (Lab.) and how is the laboratory selected?**  
Some tests at the NMO are carried out in-house within their dedicated lab. However, some tests are outsourced to accredited laboratories through a tendering process.
- **Results of the tests - % of compliance, etc.**  
Unknown specific results; with the exception of published case studies on the NMO website where corrective action has taken place.  
EST Tests: 25% fail rate
- **Resulting actions – any sanctions applied?**  
Sanctions have been applied where appropriate and this is usually documented within the published case studies on the NMO website.  
EST held discussions with manufacturers to make improvements where products failed tests.
- **How are product categories and specific models selected for tests? (randomly, consumer compliant, previous problems)**  
Product categories/models are selected on all of the above.
- **What is the laboratory selection process? Any possibility to choose foreign laboratory?**  
Unknown.
- **Are the test results published or shared in any way?**  
The specifics of tests are not often disclosed, but once corrective action has been taken then a press release or similar is usually issued.  
EST has not discussed the test results with Defra or other agencies.
- **Any issues raised (testing difficulties, clarity of testing procedures and results, supplier acceptance of test results etc.)**  
Unknown.
- **Did the introduction of the new energy labels and definition of compliance verification bring any changes? (e.g. in number of tests, clarity of actions, difficulties in test procedures)**  
Unknown

### Plans for 2013:

The level of activity for 2013 is not known.



## 14.4 Barriers and opportunities to higher level of activities

### 14.4.1 Barriers for higher level of activities

- **What are the reasons for the level of activities (n. of tests and shop visits) not being higher?**
  - The NMO has a limited budget and as a result can only test a certain number of appliances per year.
  - Spending cuts to public sector bodies have also hampered activities, especially within the Trading Standards teams across the UK.
  - Trading Standards have other priorities, such as environmental health and hygiene standards and other regulations that have higher risks associated with them.

### 14.4.2 Opportunities for higher level of activities

The NMO shop visit report highlighted the effectiveness that a coordinated strategy can achieve in monitoring retailer compliance. The report made some useful recommendations for MSAs to adopt if and when further shop visits are carried out. It was encouraging to note that the Come On Labels project was referred to and the results and methodology were very similar.

## 14.5 Resources and source of information

Information revealed for the United Kingdom was drafted by Severn Wye Energy Agency, the Come On Labels partner for the United Kingdom, resulting from:

- Individual negotiations with the authorities and market actors, such as:
  - Defra (Department of Environment, Food & Rural Affairs)
  - NMO (National Measurements Office)
  - Trading Standards
  - Energy Saving Trust UK



## Come on Labels project members – contacts

	<b>Czech Republic – project coordinator</b>	<b>SEVEEn</b> , The Energy Efficiency Center <a href="http://www.svn.cz">www.svn.cz</a>	
	<b>Austria</b>	<b>Austrian Energy Agency</b> <a href="http://www.energyagency.at">www.energyagency.at</a>	
	<b>Belgium</b>	<b>Brussels Energy Agency</b> <a href="http://www.curbain.be">www.curbain.be</a>	
	<b>Croatia</b>	<b>ELMA Kurtalj d.o.o</b> <a href="http://www.elma.hr">www.elma.hr</a>	
	<b>Germany</b>	<b>Öko-Institut e.V.</b> , Institute for Applied Ecology <a href="http://www.oeko.de">www.oeko.de</a>	
	<b>United Kingdom</b>	<b>Severn Wye Energy Agency</b> <a href="http://www.swea.co.uk">www.swea.co.uk</a>	
	<b>Greece</b>	<b>Center for Renewable Energy Sources and Saving</b> <a href="http://www.cres.gr">www.cres.gr</a>	
	<b>Italy</b>	<b>ENEA</b> – Agenzia nazionale per le nuove tecnologie, l'energia e lo sviluppo economico sostenibile <a href="http://www.enea.it">www.enea.it</a>	
	<b>Latvia</b>	<b>Ekodoma, Ltd</b> <a href="http://www.ekodoma.lv">www.ekodoma.lv</a>	
	<b>Malta</b>	<b>Projects in Motion</b> <a href="http://www.pim.com.mt">www.pim.com.mt</a>	
	<b>Poland</b>	<b>KAPE</b> , Polish National Energy Conservation Agency <a href="http://www.kape.gov.pl">www.kape.gov.pl</a>	
	<b>Portugal</b>	<b>QUERCUS</b> – Associação Nacional de Conservação da Natureza <a href="http://www.ecocasa.pt">www.ecocasa.pt</a>	
	<b>Spain</b>	<b>ESCAN, s.l.</b> <a href="http://www.escansa.com">www.escansa.com</a>	



This document was prepared within the Come On Labels project, supported by the Intelligent Energy Europe programme. The main aim of the project, active in 13 European countries, is to support appliance energy labelling in the field of appliance tests, proper presence of labels in shops, and consumer education.

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**More information about the project activities and all of its results are published on:**

[www.come-on-labels.eu](http://www.come-on-labels.eu)