
STATUTORY INSTRUMENTS

2003 No. 750

ENERGY CONSERVATION

The Energy Information (Household Air Conditioners) Regulations 2003

| | | |
|-------------------------------|---------|------------------------|
| <i>Made</i> | - - - - | <i>14th March 2003</i> |
| <i>Laid before Parliament</i> | | <i>17th March 2003</i> |
| <i>Coming into force</i> | - - | <i>4th April 2003</i> |

The Secretary of State, being a Minister designated ^{M1} for the purposes of section 2(2) ^{M2} of the European Communities Act 1972 ^{M3} in relation to measures relating to energy labelling and standard product information for household products, in exercise of the powers conferred on her by section 2(2) of that Act, hereby makes the following Regulations:

Marginal Citations

M1 [S.I.1992/1711](#).

M2 The requirements of the Directives are reserved matters for both Scotland (product labelling is covered by Head C8—Product standards, safety and liability in Part II (Specific reservations) of Schedule 2 to the Scotland Act 1998) (c. 46), and Northern Ireland in accordance with paragraph 38 (Technical standards and requirements in relation to products in pursuance of an obligation under Community law) of Schedule 3 (Reserved Matters) to the [Northern Ireland Act 1998](#) (c. 47). The power has not been transferred to the Welsh Assembly.

M3 [1972 c. 68](#).

Citation and commencement

1. These Regulations may be cited as the Energy Information (Household Air Conditioners) Regulations 2003 and shall come into force on 4th April 2003.

Interpretation

2.—(1) In these Regulations—

- (a) “the Air Conditioners Directive” means Commission Directive [2002/31/EC](#)^{M4} implementing Council Directive [92/75/EEC](#) with regard to energy labelling of household air-conditioners;

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- (b) “the Parent Directive” means Council Directive [92/75/EEC](#)^{M5} on the indication by labelling and standard product information of the consumption of energy and other resources by household appliances; and
- (c) “the Directives” means the Air Conditioners Directive and the Parent Directive.
- (2) In these Regulations, expressions used which are also used in the Directives have the same meaning as in the Directives and—
- “communication”, as a means by way of which appliances are offered for sale, means a printed or written communication or other means whereby the potential customer cannot be expected to see the appliance displayed, such as a written offer, a mail order catalogue, advertisements on the Internet or other electronic media;
- “the Community” means (except in the title of the Council Regulation referred to in the definition of “Community language”) the European Community^{M6};
- “Community language” has the meaning given by Council Regulation 1958/1/EEC determining the languages to be used by the European Economic Community^{M7};
- “dealer” means a retailer or other person who offers for sale, displays or sells regulated household air conditioners to end-users;
- “enforcement authority” means—
- (a) in England and Wales and Scotland, a local weights and measures authority within the meaning of section 69 (local weights and measures authorities) of the Weights and Measures Act 1985^{M8}; and
- (b) in Northern Ireland, the Department of Enterprise, Trade and Investment;
- “the harmonised standards” means EN 255 - 1^{M9} and EN 814 - 1^{M10};
- “information notice” means a standard table of information relating to a regulated household air conditioner;
- “label” means a label relating to a regulated household air conditioner which contains information on its consumption of energy (whether or not it also contains other information);
- “records” includes any books, documents, marks or symbols and any records in non-documentary form;
- “regulated household air conditioner” has the meaning given by regulation 3(5);
- “sale” includes hire and hire-purchase and related expressions shall be construed accordingly; and
- “supplier” means the manufacturer of a regulated household air conditioner or his authorised representative in the Community or the person who places the regulated household air conditioner on the Community market.

Marginal Citations

- M4** OJ No. L86, 3.4.2002, p. 86.
- M5** OJ No. L297, 13.10.1992, p. 16.
- M6** The parent Directive was extended to the European Economic Area by EEA Joint Committee Decision No 7/94 of 21.3.94 (OJ No. L160, 28.6.1994, p. 1); the Air Conditioners Directive, though a text with EEA relevance, has not at the date of making these Regulations been so extended.
- M7** OJ No. B017, 6.10.1958, p. 385, as last amended by the Act of Accession of Austria, Sweden and Finland (OJ No. C241, 29.8.1994, p. 21).
- M8** [1985 c. 72](#), as amended by paragraph 144 of Schedule 13 to the [Local Government \(Scotland\) Act 1994 \(c. 39\)](#).

- M9** European standard EN 255-1 of February 1997 entitled “Air conditioners, liquid chilling packages and heat pumps with electrically driven compressors - Heating mode—Part 1: Terms, definitions and designations”, which is transposed in the United Kingdom by British Standard BS EN 255-1:1997 of the same title published by the British Standards Institution on 15th August 1997.
- M10** European standard EN 814-1 of February 1997 entitled “Air conditioners and heat pumps with electrically driven compressors—Cooling mode—Part 1: Terms, definitions and designations”, which is transposed in the United Kingdom by British Standard BS EN 814-1: 1997 of the same title published by the British Standards Institution on 15th July 1997.

Scope

3.—(1) Subject to the following provisions of this regulation and regulation 4, these Regulations apply to electric mains operated household air conditioners of the following descriptions—

- (a) air cooled air conditioners;
- (b) water cooled air conditioners;
- (c) liquid chilling packages;
- (d) air/air, water/air, air/water and water/water heat pumps with electrically driven compressors,

whether used in heating mode or for space cooling.

(2) In relation to air conditioners of a description falling within paragraph (1)—

- (a) these Regulations apply to factory-made units which can be ducted;
- (b) in the case of units consisting of several parts, these Regulations apply only to those designed and supplied as a complete package;
- (c) units having two or more indoor sections connected to a single outdoor unit (multiple split system air conditioners or heat pumps) are excluded from the scope of these Regulations;
- (d) these Regulations do not apply to continuously variable control units;
- (e) in relation to liquid chilling packages, these Regulations apply only to cooling mode (and not to heating mode); and
- (f) without prejudice to paragraph (4), these Regulations do not apply to installations for use in industrial processes.

(3) These Regulations do not apply to—

- (a) appliances that can also use other energy sources;
- (b) air-to-water and water-to-water appliances; or
- (c) units with an output (cooling power) greater than 12 kW.

(4) These Regulations apply to household air conditioners notwithstanding that they are sold or displayed for non-household use.

(5) A household air conditioner to which these Regulations apply is referred to as a regulated household air conditioner.

Other exclusions

4.—(1) Nothing in these Regulations applies to the rating plate or its equivalent affixed for safety purposes to a regulated household air conditioner.

(2) There shall be no obligation on any person to label or provide information notices in accordance with these Regulations in respect of models of household air conditioners of which

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production has ceased before 1st January 2003, but if an appliance has been labelled or an information notice provided in respect of it, these Regulations shall apply.

(3) There shall be no obligation on any person to label or provide information notices in accordance with these Regulations in respect of second hand household air conditioners; but if a second hand appliance sold or displayed by a dealer is labelled or an information notice is provided in respect of it, these Regulations apply to the extent that they impose obligations on the dealer.

(4) These Regulations do not impose obligations on a supplier or dealer in relation to a household air conditioner which the supplier or dealer has reasonable grounds to believe is for use by an end user in a country outside the Community.

Obtaining the information required by these Regulations

5.—(1) The information required by regulations 6 to 9 shall, where applicable, be obtained by measurements made in accordance with the harmonised standards.

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

Placing on the market: technical documentation

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

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

- (a) the name and address of the supplier;
- (b) a general description of the model, sufficient for it to be unequivocally and easily identified;
- (c) information (including drawings as relevant) on the main design features of the air conditioner and, in particular, items which appreciably affect its energy consumption;
- (d) the results of design calculations carried out, where these are relevant;
- (e) reports of relevant measurement tests carried out on the air conditioner in accordance with the test procedures of the harmonised standards;
- (f) test reports, where available, including those carried out by relevant notified organisations as defined under Community legislation other than the Directives;
- (g) where values are derived from those obtained for similar models, the same information for those models; and
- (h) operating instructions, if any.

(3) Where the information relating to a particular model combination has been obtained by calculation on the basis of design, extrapolation from other combinations or both, the documentation shall include details of such calculations extrapolations or both, as the case may require, and of tests undertaken to verify the accuracy of the calculations undertaken (details of the mathematical model for calculating performance of split systems, and of measurements taken to verify this model).

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

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

Supplier's duties in respect of labels

7.—(1) All suppliers placing on the market regulated household air conditioners shall supply a label in accordance with the following provisions of this regulation.

(2) The label shall in all respects comply with Schedules 1 (the label) and 3 (energy efficiency classification).

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

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

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

Supplier's duties in respect of the information notice

8.—(1) A supplier of a regulated household air conditioner shall provide an information notice in accordance with this regulation.

(2) The information notice shall be in the relevant language version and shall comply with Schedules 2 (the information notice) and 3 (energy efficiency classification).

(3) Where the supplier provides a product brochure, the brochure shall contain an information notice, and the supplier shall provide the product brochure with each air conditioner free of charge.

(4) Where the supplier does not provide a product brochure, he shall provide an information notice free of charge with the air conditioner, with any other literature provided therewith.

Supplier's deemed consent to publication of information

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

Supplier's duties in respect of the accuracy of labels and information notices

10.—(1) The supplier shall ensure that the information in an information notice or on a label which he supplies to a dealer is accurate.

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

Dealer's duty in respect of displayed regulated household air conditioners

11. A dealer who displays a regulated household air conditioner to end-users shall attach the appropriate label (that is to say, the label supplied by the supplier in accordance with regulation 7 or, where the supply is in another member State, in accordance with Article 3(1) of the Parent Directive) to the outside front or top of the air conditioner so that the label remains clearly visible and is not obscured whenever the air conditioner is displayed.

Information in respect of mail order and other distance sales

12. Where a person offers a regulated household air conditioner for sale by means of a communication, that person shall ensure that the communication—

(a) is in the relevant language version; and

(b) includes the information specified in Schedule 2 (the information notice) and describes the air conditioner in accordance with Schedule 3 (energy efficiency classification).

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Information in other Community languages

13. Schedule 4 (which sets out Annex V (Translation of Terms to be used in the Label and Fiche) to the Air Conditioners Directive) has effect for the purpose of making provision for the equivalent in other Community languages of the terms in English given in Schedules 1 and 2.

Misleading information

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

(2) Paragraph (1) shall not apply to a label, mark, symbol or inscription displayed under a Community or national environmental labelling scheme^{M11}.

Marginal Citations

M11 See, for example, Regulation (EC) No 1980/2000 on a revised Community eco-label award scheme (OJ No. L237 , 21.9.2000, p. 1).

Presumption of compliance

15. Unless there is evidence to the contrary, labels and information notices shall be deemed to comply with the provisions of these Regulations.

Enforcement and offences

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

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

(3) Schedule 5 shall have effect with regard to offences, enforcement of these Regulations and other related matters.

Transitional provisions

17. On or before 30th June 2003—

- (a) the placing on the market, the offering for sale or display of regulated household air conditioners; or
- (b) the distribution of communications relating thereto,

in respect of which the requirements of these Regulations are not complied with shall be permitted; provided that where a regulated household air conditioner is offered for sale or displayed or a communication is distributed in respect of it and it has—

- (a) a label placed on it containing (or purporting to contain) the information required by regulation 7; or
- (b) an information notice or product brochure provided in respect of it containing (or purporting to contain) the information required by regulation 8,

the remaining requirements of these Regulations shall apply.

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14th March 2003

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

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SCHEDULE 1

Regulation 7(2)

THE LABEL

Label design

The label shall be in the relevant language version chosen from the following illustrations—

- (a) Figure 1, in the case of a cooling only appliance; or
 - (b) Figure 2, in the case of a cooling/heating appliance;
- and shall include the information required by the notes.

Figure 1

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| | | |
|---|-------------------|-----------------|
| Energy | | Air-conditioner |
| Manufacturer | | Logo |
| Outside unit | | ABC 123 |
| Inside unit | | ABC 123 |
| More efficient | | |
| | | |
| Less efficient | | |
| Annual energy consumption, kWh in cooling mode <small>(Actual consumption will depend on how the appliance is used and climate)</small> | | X.Y |
| Cooling output kW | | X.Y |
| Energy efficiency ratio <small>Full load (the higher the better)</small> | | X.Y |
| Type | Cooling only | ← |
| | Cooling + Heating | — |
| | Air cooled | ← |
| | Water cooled | — |
| Noise (dB(A) re 1 pW) | | |
| Further information is contained in product brochures | | |
| Norm EN XYZ Air-conditioner Energy Label Directive 2002/31/EC | | |

— I

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— III

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— VI

— VII

— VIII

— IX

— XII

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Figure 2

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| | | |
|---|----|----------------------|
| <h1>Energy</h1> | | Air-conditioner |
| Manufacturer | | Logo |
| Outside unit | | ABC 123 |
| Inside unit | | ABC 123 |
| More efficient | | |
| | | |
| Less efficient | | |
| Annual energy consumption, kWh in cooling mode <small>(Actual consumption will depend on how the appliance is used and climate)</small> | | X.Y |
| Cooling output kW | | X.Y |
| Energy efficiency ratio <small>Full load (the higher the better)</small> | | X.Y |
| Type | | |
| Cooling only | — | |
| Cooling + Heating | — | ← |
| Air cooled | — | ← |
| Water cooled | — | |
| Heat output kW | | X.Y |
| Heating performance <small>A: higher G: lower</small> | | A B C D E F G |
| Noise <small>(dB(A) re 1 pW)</small> | | |
| Further information is contained in product brochures | 11 | |
| Norm EN XYZ Air-conditioner Energy Label Directive 2002/31/EC | | |

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2. The following notes define the information to be included:

- (I) Supplier's name or trade mark.
- (II) Supplier's model identifier.

For 'split and multi-split' units, the model identifier of the indoor and of the outdoor elements of the combination to which the figures quoted below apply.

(III) The energy efficiency class of the model, or combination, determined in accordance with Schedule 3.

The head of the arrow containing this indicator letter shall be placed at the same level as the head of the relevant arrow.

The height of the arrow containing the indicator letter shall not be less than – and not more than twice – the height of the classes arrows.

(IV) Without prejudice to any requirements under the Community eco-label scheme, where a model has been granted a 'European Union eco-label' under Regulation (EC) No 1980/2000 of the European Parliament and of the Council of 17th July 2000 on a revised Community eco-label award scheme^{M12} a copy of the eco-label may be added here.

(V) The indicative annual energy consumption calculated with the total input power as defined in the harmonised standards multiplied by an average of 500 hours per year in cooling mode at full load, determined in accordance with the test procedures of the harmonised standards (conditions T1 'moderate').

(VI) The cooling output defined as the cooling capacity in kW of the appliance in cooling mode at full load, determined in accordance with the test procedures of the harmonised standards (conditions T1 'moderate').

(VII) The EER (energy efficiency ratio) of the appliance in cooling mode at full load, determined in accordance with the test procedures of the harmonised standards (conditions T1 'moderate').

(VIII) The type of appliance: cooling only, cooling/heating. This indicator arrow shall be placed at the same level as the relevant type.

(IX) The cooling mode: air cooled, water cooled.
This indicator arrow shall be placed at the same level as the relevant type.

(X) Only for appliances with heating capability (Figure 2) the heat output defined as the heating capacity in kW of the appliance in heating mode at full load, determined in accordance with the test procedures of the harmonised standards (conditions T1 +7C).

(XI) Only for appliances with heating capability (Figure 2) the heating mode energy efficiency class in accordance with Schedule 3, expressed on a scale of A (higher) to G (lower), determined in accordance with the test procedures of the harmonised standards (conditions T1 +7C). If the appliance heating capability is provided by a resistive element then the COP (coefficient of performance) shall have the value of 1.

(XII) Where applicable, noise measured during standard function, determined in accordance with Directive 86/594/EEC^{M13}.

Marginal Citations

M12 OJ No. L237, 21.9.2000, p. 1.

M13 OJ No. L344, 6.12.1986, p. 24; see the Household Appliances (Airborne Noise) Regulations 1990 (S.I. 1990/161, amended by S.I. 1994/1386).

3.—(1) Figure 3 defines certain aspects of the label.

Figure 3

(2) Colours are to be used on the label in accordance with the following—

CMYK - cyan, magenta, yellow, black.

Ex: 07X0: 0% cyan, 70% magenta, 100% yellow, 0% black.

Arrows

A X0X0

B 70X0

C 30X0

D 00X0

E 03X0

F 07X0

G 0XX0

Outline: colour X070.

The background colour of the energy efficiency class indicator arrow is black.

All text is in black. The background is white.

SCHEDULE 2

Regulations 8(2) and 12

THE INFORMATION NOTICE

1. The information notice shall contain the information specified below. The information may be given in a more general description of the air conditioner or in the form of a table covering a number of models supplied by the same supplier (in which case it shall be given in the order specified).

(1) Supplier's trade mark.

(2) Supplier's model identifier.

For 'split and multi-split units' the model identifier of the indoor and of the outdoor elements of the combination to which the figures quoted below apply.

(3) The energy efficiency class of the model, determined in accordance with Schedule 3 and expressed as 'Energy efficiency class on a scale of A (more efficient) to G (less efficient)'. Where this information is provided in a table, it may be expressed by other means provided it is clear that the scale is from A (more efficient) to G (less efficient).

(4) Where the information is provided in a table, and where some of the appliances listed in the table have been granted a 'European Union eco-label' under Regulation (EC) No 1980/2000, the row heading shall state 'European Union eco-label' and the entry shall consist of a copy of the eco-label. This provision is without prejudice to any requirements under the Community eco-label award scheme.

(5) The indicative annual consumption of energy based on an average use of 500 hours per year, determined in accordance with the test procedures of the harmonised standards (conditions T1 'moderate').

(6) The cooling output defined as the cooling capacity in kW of the appliance in cooling mode at full load, determined in accordance with the test procedures of the harmonised standards (conditions T1 'moderate').

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- (7) The EER (energy efficiency ratio) of the appliance in cooling mode at full load, determined in accordance with the test procedures of the harmonised standards (conditions T1 ‘moderate’).
- (8) The type of appliance: cooling only, cooling/heating.
- (9) The cooling mode: air cooled, water cooled.
- (10) In the case of appliances with heating capability:
- the heat output defined as heating capacity in kW of the appliance in heating mode at full load, determined in accordance with the test procedures of the harmonised standards (conditions T1 +7C).
 - the heating mode energy efficiency class in accordance with Schedule 3, expressed on a scale of A (higher) to G (lower), determined in accordance with the test procedures of the harmonised standards (conditions T1 +7C). If the appliance heating capability is provided by a resistive element then the COP (coefficient of performance) shall have the value of 1.
- (11) Where applicable, noise during standard function, determined in accordance with Directive [86/594/EEC](#).
- (12) Suppliers may include in addition the information in sub-paragraphs (5) to (8) in respect of other test conditions determined in accordance with the test procedures of the harmonised standards.
- 2.** If a copy of the label, either in colour or black and white is included in the information notice, then only the information which is not included on the label needs to be added.

SCHEDULE 3

Regulations 7(2), 8(2) and 12(b)

ENERGY EFFICIENCY CLASSIFICATION

1. The energy efficiency class of a regulated household air conditioner shall be determined in accordance with the following tables. The energy efficiency ratio (EER) shall be determined in accordance with the test procedures of the harmonised standards at conditions T1 ‘moderate’.

(1)

Air-cooled air conditioners

Table 1

(a) split and multi-split appliances

| Energy efficiency class | Energy efficiency ratio |
|-------------------------|-------------------------------|
| A | $3.20 < \text{EER}$ |
| B | $3.20 \geq \text{EER} > 3.00$ |
| C | $3.00 \geq \text{EER} > 2.80$ |
| D | $2.80 \geq \text{EER} > 2.60$ |
| E | $2.60 \geq \text{EER} > 2.40$ |
| F | $2.40 \geq \text{EER} > 2.20$ |
| G | $2.20 \geq \text{EER}$ |

(b) packaged ‘double ducts’ units*

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| Energy efficiency class | Energy efficiency ratio |
|--------------------------------|--------------------------------|
| A | $3.00 < \text{EER}$ |
| B | $3.00 \geq \text{EER} > 2.80$ |
| C | $2.80 \geq \text{EER} > 2.60$ |
| D | $2.60 \geq \text{EER} > 2.40$ |
| E | $2.40 \geq \text{EER} > 2.20$ |
| F | $2.20 \geq \text{EER} > 2.00$ |
| G | $2.00 \geq \text{EER}$ |

* Packaged ‘double ducts’ units, defined as ‘Air conditioner completely enclosed inside the conditioned space, with the condenser air intake and discharge connected to the outside by means of two ducts’, will be classified according to Table 1(b) with a correction factor of -0.4 .

(c) single duct units

| Energy efficiency class | Energy efficiency ratio |
|--------------------------------|--------------------------------|
| A | $2.60 < \text{EER}$ |
| B | $2.60 \geq \text{EER} > 2.40$ |
| C | $2.40 \geq \text{EER} > 2.20$ |
| D | $2.20 \geq \text{EER} > 2.00$ |
| E | $2.00 \geq \text{EER} > 1.80$ |
| F | $1.80 \geq \text{EER} > 1.60$ |
| G | $1.60 \geq \text{EER}$ |

(2)

Water-cooled air conditioners

Table 2

(a) split and multi-split appliances

| Energy efficiency class | Energy efficiency ratio |
|--------------------------------|--------------------------------|
| A | $3.60 < \text{EER}$ |
| B | $3.60 \geq \text{EER} > 3.30$ |
| C | $3.30 \geq \text{EER} > 3.10$ |
| D | $3.10 \geq \text{EER} > 2.80$ |
| E | $2.80 \geq \text{EER} > 2.50$ |
| F | $2.50 \geq \text{EER} > 2.20$ |
| G | $2.20 \geq \text{EER}$ |

(b) packaged appliances

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| Energy efficiency class | Energy efficiency ratio |
|--------------------------------|--------------------------------|
| A | $4.40 < \text{EER}$ |
| B | $4.40 \geq \text{EER} > 4.10$ |
| C | $4.10 \geq \text{EER} > 3.80$ |
| D | $3.80 \geq \text{EER} > 3.50$ |
| E | $3.50 \geq \text{EER} > 3.20$ |
| F | $3.20 \geq \text{EER} > 2.90$ |
| G | $2.90 \geq \text{EER}$ |

2. The heating mode energy efficiency class shall be determined in accordance with the following Tables, where COP (coefficient of performance) is determined in accordance with the test procedures of the harmonised standards at conditions T1 + 7C.

(1)

Air-cooled air conditioners – heating mode

Table 3

(a) split and multi-split appliances

| Energy efficiency class | Coefficient of performance |
|--------------------------------|-----------------------------------|
| A | $3.60 < \text{COP}$ |
| B | $3.60 \geq \text{COP} > 3.40$ |
| C | $3.40 \geq \text{COP} > 3.20$ |
| D | $3.20 \geq \text{COP} > 2.80$ |
| E | $2.80 \geq \text{COP} > 2.60$ |
| F | $2.60 \geq \text{COP} > 2.40$ |
| G | $2.40 \geq \text{COP}$ |

(b) Packaged ‘double ducts’ units*

| Energy efficiency class | Coefficient of performance |
|--------------------------------|-----------------------------------|
| A | $3.40 < \text{COP}$ |
| B | $3.40 \geq \text{COP} > 3.20$ |
| C | $3.20 \geq \text{COP} > 3.00$ |
| D | $3.00 \geq \text{COP} > 2.60$ |
| E | $2.60 \geq \text{COP} > 2.40$ |
| F | $2.40 \geq \text{COP} > 2.20$ |
| G | $2.20 \geq \text{COP}$ |

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* Packaged ‘double ducts’ units, defined as ‘Air conditioner completely enclosed inside the conditioned space, with the condenser air intake and discharge connected to the outside by means of two ducts’, will be classified according to Table 3(b) with a correction factor of -0.4 .

(c) single duct units

| Energy efficiency class | Coefficient of performance |
|-------------------------|-------------------------------|
| A | $3.00 < \text{COP}$ |
| B | $3.00 \geq \text{COP} > 2.80$ |
| C | $2.80 \geq \text{COP} > 2.60$ |
| D | $2.60 \geq \text{COP} > 2.40$ |
| E | $2.40 \geq \text{COP} > 2.10$ |
| F | $2.10 \geq \text{COP} > 1.80$ |
| G | $1.80 \geq \text{COP}$ |

(2)

Water-cooled air conditioners - heating mode

Table 4

(a) split and multi-split appliances

| Energy efficiency class | Coefficient of performance |
|-------------------------|-------------------------------|
| A | $4.00 < \text{COP}$ |
| B | $4.00 \geq \text{COP} > 3.70$ |
| C | $3.70 \geq \text{COP} > 3.40$ |
| D | $3.40 \geq \text{COP} > 3.10$ |
| E | $3.10 \geq \text{COP} > 2.80$ |
| F | $2.80 \geq \text{COP} > 2.50$ |
| G | $2.50 \geq \text{COP}$ |

(b) packaged appliances

| Energy efficiency class | Energy efficiency ratio |
|-------------------------|-------------------------------|
| A | $4.70 < \text{COP}$ |
| B | $4.70 \geq \text{COP} > 4.40$ |
| C | $4.40 \geq \text{COP} > 4.10$ |
| D | $4.10 \geq \text{COP} > 3.80$ |
| E | $3.80 \geq \text{COP} > 3.50$ |
| F | $3.50 \geq \text{COP} > 3.20$ |
| G | $3.20 \geq \text{COP}$ |

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SCHEDULE 4

TRANSLATION OF TERMS

1. The equivalent in other Community languages of the terms given in English in Schedules 1 and 2 are as follows:

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| Label schedule | Information notice and communication Schedule 2 | ES | DA | DE | EL | EN | FR | IT | NL | PT | FL | SV |
|----------------|---|--|---|---|---|--|---|--|---|---|---|---|
| ⊗ | | Energia Fabricante | Energi Mærke | Energie Hersteller | Ενέργεια Προμηθευτής | Energy Manufacturer | Énergie Fabricant | Energia Costruttore | Energie Fabrikant | Energia Fabricante | Energia Tavaran-toimittaja | Energi Leverantör |
| | 1 | Modelo Unidad Exterior | Model Udendørs-enhed | Modell Außengerät | Μοντέλο Εξωτερική μονάδα | Model Outside unit | Modèle Unité extérieure | Modello Unità esterna | Model Buitenapparatuur | Modelo Unidade exterior | Malli Ulkoyksikkö | Modell Utombusenhet |
| | 2 | Unidad Interior Más eficiente Menos eficiente | Indendørs-enhed Lavt forbrug Højt forbrug | Innengerät Niedriger Verbrauch Hoher Verbrauch | σωρευτική μονάδα Πιο αποδοτικό Απόδοτικό | Inside unit More efficient Less efficient | Unité intérieure Économie Peu économie | Unità interna Bassi consumi Alti consumi | Binnen-apparaat Efficiënt Inefficiënt | Unidade Interior Mais eficiente Menos eficiente | Sisäyksikkö Vähän kuluttava Paljon kuluttava | Inomhusenhet Låg förbrukning Hög förbrukning |
| ⊗ | 3 | Clase de eficiencia energética . . . en una escala que abarca de A (más eficiente) a G (menos eficiente) | Relativt energiforbrug . . . på skalaen A (lavt forbrug) til G (højt forbrug) | Energieeffizienz-klasse . . . auf einer Skala von A (niedriger Verbrauch) bis G (hoher Verbrauch) | Τάξη ενεργειακής απόδοσης . . . σε μια κλίμακα από το A (ποιο ποδοτικό) έως το G (λιγότερο αποδοτικό) | Energy efficiency class . . . on a scale of A (more efficient) to G (less efficient) | Classement selon son efficacité énergétique . . . sur une échelle allant de A (économie) à G (peu économie) | Classe di efficienza energetica . . . su scala da A (bassi consumi) a G (alti consumi) | Energie-efficiëntie klasse . . . op een schaal van A (efficiënt) tot G (inefficiënt) | Classe de eficiência energética . . . numa escala de A (mais eficiente) a G (menos eficiente) | Energieatohokkuusluokka asteikolla A: stia(vähän kuluttava) G: hen (paljon kuluttava) | Energieeffektivitetsklass på en skala från A (låg förbrukning) till G (hög förbrukning) |
| | 5 | Consumo de energía anual kWh en modo refrigeración | Energiforbrug/ år kWh ved køling | Jährlicher Energieverbrauch kWh im Kühlbetrieb | Ετήσια κατανάλωση ενέργειας kWh για ληροφορία ψύξης | Annual energy consumption kWh in cooling mode | Consommation annuelle d'énergie kWh en mode refroidissement | Consumo di energia kWh in modalità raffreddamento | Jaari j ks energie-verbruik kWh in koelstand | Consumo anual de energia kWh no modo de arrefecimento | Vuotuinen energiankulutus kWh jäähdystoiminimolla | Årlig energiförbrukning i kyläge kWh |

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| Information notice and communication | ES | DA | DE | EL | EN | FR | IT | NL | PT | FL | SV |
|--------------------------------------|---|--|---|---|---|--|--|---|--|---|--|
| 5 | El consumo efectivo dependerá del clima y del uso del aparato | Det faktiske energiforbrug vil bero på brugen af anlægget og vejrforhold | Der tatsächliche Energieverbrauch hängt von der Verwendung des Geräts sowie von den Klimabedingungen ab | Η πραγματική κατανάλωση εξαρτάται από τον τρόπο χρήσης της συσκευής και τις κλιματικές συνθήκες | Actual consumption will depend on how the appliance is used and climate | La consommation réelle dépend de la manière dont l'appareil est utilisé et du climat | Il consumo effettivo dipende dal clima e dalle modalità d'uso dell'apparecchio | Factelijk verbruik afhankelijk van de wijze van gebruik van het apparaat en het klimaat | O consumo real de energia dependerá das condições de utilização do aparelho e do clima | Todellinen kulutus riippuu laitteen käyttöävoista ja ilmastosta | Den faktiska förbrukningen beror på hur maskinen används och på klimatet |
| 6 | Potencia de refrigeración | Køleeffekt | Kühlleistung | Ισχύς ψύξης | Cooling output | Puissance frigorifique | Potenza refrigerante | Koelvermogen | Potência de arrefecimento | Jäähdytysteho | Kyleffekt |
| 7 | Índice de eficiencia energética con carga completa | Energieeffizienztz-koeffizient ved fuld belastning | Energieeffizienzgröße bei Volllast | Βαθμός ενεργειακής απόδοσης υπό πλήρες φορτίο | Energy efficiency ratio (EER) at full load | Niveau de rendement énergétique à pleine charge | Indice di efficienza elettrica a pieno regime | Energie-efficiënte verhouding volle belasting | Índice de eficiência energética (EER) a plena carga | Energieaitehokkuuskertoin täydellä kuormituksella | Energieeffektivitetskvot på högsta kyläge |
| 8 | Cuanto mayor, mejor | Høj værdi betyder bedre effektivitet | Je höher, desto besser | Όσο υψηλότερο τόσο καλύτερο | The higher the better | Doit être le plus élevé possible | La più elevata possibile | Hoe hoger hoe beter | Deve ser o mais elevado possível | Mitä korkeampi, sen parempi | Ju högre desto bättre |
| 8 | Tipo Sólo refrigeración | Type Køling | Type Nur Kühlfunktion | Τύπος Μόνο ψύξη | Size Cooling only | Type Refroidissement seulement | Tipo Solo raffreddamento | Type Alleen koeling | Tipo Só arrefecimento | Tyyppi Pelkkä jäähdytys | Typ Endast kylning |
| 8 | Refrigeración/ Calefacción | Køling/ opvarmning | Kühlfunktion/ Heizfunktion | Ψύξη / θέρμανση | Cooling/heating | Refrigidissement/ chauffage | Raffreddamento/ riscaldamento | Køling/vervarming | Arrefecimento/aquecimento | Jäähdytys/lämmitys | Kylning och uppvärmning |
| 9 | Refrigerado por aire | Luftkølet | Luftkühlung | Αερόψυκτο | Air cooled | Refrigidissement par air | Raffreddamento ad aria | Luchgekoeld | Arrefecimento a ar | Ilmajäähdytetty | Luftkyld |
| 9 | Refrigerado por agua | Vandkølet | Wasserkühlung | Υδροψυκτο | Water cooled | Refrigidissement par eau | Raffreddamento ad acqua | Watergekoeld | Arrefecimento a água | Vesijäähdytetty | Vattenskyld |
| 10 | Potencia térmica | Opvarmnings-effekt | Heizleistung | Ισχύς θέρμανσης | Heat output | Puissance de chauffage | Potenza di riscaldamento | Verwarmingsvermogen | Potência calorífica | Lämmitysteho | Värmeeffekt |

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| Label Schedule 1 | Information notice and communication | ES | DA | DE | EL | EN | FR | IT | NL | PT | FL | SV |
|------------------|--------------------------------------|---|--|--|--|--|---|---|---|--|--|--|
| XI | | Clase de eficiencia energética en modo calefacción: A(más eficiente) A(menos eficiente) G | Relativt energiforbrug til opvarmning: A (lavt forbrug) G (højt forbrug) | Energieeffizienzklasse der Heizfunktion: A(niedriger Verbrauch) G(hoher Verbrauch) | Ενεργειακή απόδοση της λειτουργίας θέρμανσης Α: υψηλή — G: χαμηλή | Heating performance: A (more efficient) G (less efficient) Performance | énergétique en mode de chauffage: A (économie) G (peu économie) | Efficienza energetica in modalità riscaldamento: A (bassi consumi) G (alti consumi) | Energie-efficiëntieklasse in de verwarmingsstand: A (efficiënt) G (inefficiënt) | Eficiência energética no modo de aquecimento: A (mais eficiente) G (menos eficiente) | Energieeffektiviteetsklasse voor verwarmingslaget: A (laag forbruik) G (hoog forbruik) | Energieeffektivitetssklass för uppvärmingslaget: A (låg förbrukning) G (hög förbrukning) |
| XII | | Ruido [dB(A) re 1 pW] | Lydeffektivitet [dB(A) (Støj)] | Geräusch [dB(A) re 1 pW] | Θόρυβος [dB(A) ανά 1 pW] | Noise [dB(A) re 1 pW] | Bruit [dB(A) re 1 pW] | Rumore [dB(A) re 1 pW] | Geluidsniveau [dB(A) re 1 pW] | Nível de ruído [dB(A) re 1 pW] | Älteri (dB(A) re 1 pW) | Buller [dB(A)] |
| ⊗ | | Ficha de información detallada en los folletos del producto | Brochure om produktet indeholder yderligere oplysninger | Ein Datenblatt mit weiteren Geräteeigenschaften ist in den Prospekten enthalten | Παρουσίαση πληροφοριών στο εγχειρίδιο του προϊόντος | Further information is contained in product brochures | Une fiche d'information détaillée figure dans la brochure | Gli opuscoli illustrativi contengono una scheda particolareggiata | Een kaart met nadere gegevens is opgenomen in de brochure over het apparaat | Ficha informativa normalizada do produto | Tuote esitteissä on lisätietoja | Produktbroschyrerna innehåller ytterligare information |
| ⊗ | | Norma EN XYZ | Standard: EN XYZ | Norm ENXYZ | Πρότυπο EN XYZ | Norm ENXYZ | Norme EN XYZ | Norma EN XYZ | Norm EN XYZ | Norma EN XYZ | Standardi EN XYZ | Standard EN XYZ |
| ⊗ | | Acondicionado de aire | Klimaanlæg | Raumklimagerät | Κλιματιστικό | Air-conditioner | Climatiseur | Condizionatore d'aria | Airconditioner | Aparelho de ar condicionado | Ilmastointilaitte | Luftkonditioneringsapparat |
| ⊗ | | Directiva 2002/31/CE sobre etiquetado energético | Direktiv 2002/31/EF om energimærkning | Richtlinie Energieetikettierung 2002/31/EG | Οδηγία 2002/31/ΕΚ για την ετικέτα ενεργειακής απόδοσης | Energy label Directive 2002/ 31/ EC | Directive relative à l'étiquetage énergétique 2002/ 31/ CE | Direttiva 2002/ 31/ CE Etichettatura energetica | Richtlijn 2002/ 31/ EG(Energie-etikettering) | Directiva 2002/ 31/ CE relativa à etiquetagem energética | Energimerkintädirektiivi 2002/ 31/ EY | Direktiv 2002/ 31/ EG om energimärkning |
| | | Clase de eficiencia energética modo calefacción | Relativt energiforbrug til opvarmning | Energieeffizienzklasse der Heizfunktion | Τύξη ενεργειακής απόδοσης λειτουργίας θέρμανσης | Heating mode energy efficiency class | Classe d'efficacité énergétique en mode chauffage | Classe di efficienza energetica in modalità riscaldamento | Verwarmingsstand energieefficiëntieklasse | Classe de eficiência energética no modo de aquecimento | Ilämmitystoiminnon energiatuokklass | Energieeffektivitetssklass för uppvärmingslaget |

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SCHEDULE 5

Regulation 16

OFFENCES, ENFORCEMENT AND OTHER MATTERS

PART I

Provisions as to Offences

- 1.—(1) It shall be an offence to contravene or fail to comply with—
- (a) regulation 6 (placing on the market—technical documentation);
 - (b) regulation 7 (supplier’s duties in respect of labels);
 - (c) regulation 8 (supplier’s duties in respect of the information notice);
 - (d) regulation 10(1) (supplier’s duties in respect of the accuracy of labels and information notices);
 - (e) regulation 11 (dealer’s duty in respect of displayed regulated household air conditioners);
 - (f) regulation 12 (information in respect of mail order and other distance sales);
 - (g) regulation 14 (misleading information);
 - (h) paragraph 5 of this Schedule (obstruction of authorised officers and false statements);
 - (i) paragraph 8(8) of this Schedule (prohibition of purported search and seizure by unauthorised persons); or
 - (j) paragraph 12(1) of this Schedule (restrictions on undue disclosure of information).
- (2) A person guilty of the offence of contravening paragraph 12(1) of this Schedule shall be liable, on summary conviction, to a fine not exceeding the statutory maximum, and on conviction on indictment, to a fine.
- (3) A person guilty of any other offence specified in sub-paragraph (1) shall be liable on summary conviction to a fine not exceeding level 5 on the standard scale.
2. Proceedings for an offence under these Regulations shall not be instituted—
- (a) in England and Wales, except by an enforcement authority;
 - (b) in Northern Ireland, except by or on behalf of an enforcement authority or the Director of Public Prosecutions.
- 3.—(1) In proceedings against a person for an offence under these Regulations, it shall be a defence for that person to show that he believed that these Regulations did not apply and he had no reasonable grounds for believing that these Regulations might apply.
- (2) In proceedings against a person for an offence under these Regulations, it shall be a defence for that person to show that he took all reasonable steps and exercised all due diligence to avoid committing the offence.
- 4.—(1) Where the commission by any person of an offence under these Regulations is due to an act or default committed by some other person in the course of any business of his, that other person shall be guilty of the offence and may be proceeded against and punished by virtue of this sub-paragraph whether or not proceedings are taken against the first-mentioned person.

(2) Where a body corporate is guilty of an offence under these Regulations (including where it is so guilty by virtue of sub-paragraph (1)) in respect of any act or default which is shown to have been committed with the consent or connivance of, or to be attributable to any neglect on the part of, any director, manager, secretary or similar officer of the body corporate or any person who was purporting to act in any such capacity, he, as well as the body corporate, shall be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

(3) Where the affairs of a body corporate are managed by its members, sub-paragraph (2) shall apply in relation to the acts and defaults of a member in connection with his functions of management as if he were a director of the body corporate.

(4) Where a Scottish partnership is guilty of an offence under these Regulations (including where it is so guilty by virtue of sub-paragraph (1)) in respect of any act or default which is shown to have been committed with the consent or connivance of, or to be attributable to any neglect on the part of, a partner in the partnership, he, as well as the partnership, shall be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

PART II

Provisions as to Enforcement

5.—(1) A person shall not—

- (a) intentionally obstruct a duly authorised officer of an enforcement authority acting in pursuance of any provision of these Regulations; or
- (b) intentionally fail to comply with any requirement properly made to him by such an officer under any provision of these Regulations; or
- (c) without reasonable excuse fail to give to any such officer of an enforcement authority who is so acting any other assistance or information which he may reasonably require of him for the purposes of the exercise of the officer's functions under any provision of these Regulations.

(2) A person shall not, in giving any information which is required of him by virtue of sub-paragraph (1)(c)—

- (a) make any statement which he knows is false in any material particular; or
- (b) recklessly make a statement which is false in any material particular.

6. Where an enforcement authority has reason to suspect that the information given on a label or in an information notice is incorrect, the authority may by notice served on the supplier of the regulated household air conditioner to which the label or information notice refers, require him to furnish to the authority within such reasonable time as may be specified in the notice such technical documentation within the meaning of regulation 6 (placing on the market—technical documentation) as the authority considers appropriate.

7.—(1) An enforcement authority shall have power, for the purpose of ascertaining whether any provision of these Regulations has been contravened, to purchase, or to authorise an officer of the authority to purchase, any regulated household air conditioner.

(2) Where—

- (a) a regulated household air conditioner purchased under this paragraph on behalf of an enforcement authority is submitted to a test;
- (b) the test leads to the bringing of proceedings in respect of an offence under these Regulations; and

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- (c) the authority is requested to do so and it is practicable for the authority to comply with the request,

the authority shall allow the person from whom the air conditioner was purchased or any person who is a party to the proceedings or has an interest in the air conditioner to have the air conditioner tested.

(3) A test of a regulated household air conditioner purchased under this paragraph, or seized or detained under paragraph 8 (power to enter premises and seize or detain regulated household air conditioners etc.), shall be carried out in accordance with the test procedures of the harmonised standards.

8.—(1) A duly authorised officer of an enforcement authority may on—

- (a) identifying himself and producing authority in writing from the enforcement authority which appointed him for the exercise by him of powers conferred on the authority by these Regulations; and
 (b) stating the purpose of his actions and his grounds for taking them,

exercise, at all reasonable hours, the powers set out in sub-paragraph (2).

(2) The powers referred to in sub-paragraph (1) are—

- (a) for the purpose of ascertaining whether an offence under these Regulations has been committed, to inspect any regulated household air conditioner and to enter into any premises other than premises used only as a dwelling;
 (b) if there is reasonable cause to suspect that an offence under these Regulations has been committed and for the purpose of ascertaining whether it has been committed, to require any person carrying on or employed in connection with a business to produce any records relating to the regulated household air conditioner in question and to take copies of, or of any entry in, the records;
 (c) if there is reasonable cause to suspect that an offence under these Regulations has been committed, to seize and detain any regulated household air conditioner for the purpose of ascertaining, by testing or otherwise, whether the offence has been committed;
 (d) to seize and detain any regulated household air conditioner or records where there is reason to believe that these may be required as evidence in proceedings for an offence under these Regulations;
 (e) for the purpose of exercising powers of seizure under this sub-paragraph, but only if and to the extent that it is reasonably necessary to do so in order to secure that the provisions of these Regulations are duly observed, to require any person having authority to do so to break open any container and, if that person does not comply with the requirement or if there is no such authorised person present, to open it.

(3) For the purposes of sub-paragraph (2)(b) and (d), the officer may require information stored electronically to be made available to him in printed form.

(4) If a justice of the peace is satisfied by any written information on oath—

- (a) that there are reasonable grounds for believing either—
 (i) that any regulated household air conditioners or records, which a duly authorised officer has power under this paragraph to inspect, copy, seize or require to be produced, are on any premises and that their inspection, copying, seizure or production is likely to produce evidence of the commission of an offence under these Regulations; or
 (ii) that any offence under these Regulations has been, is being or is about to be committed on any premises; and

(b) either—

- (i) that admission to the premises has been or is likely to be refused and that notice of intention to apply for a warrant under this sub-paragraph has been given to the occupier; or
- (ii) that an application for admission, or the giving of such a notice, would defeat the object of the entry or that the premises are unoccupied or that the occupier is temporarily absent and it might defeat the object of the entry to await his return,

the justice may by warrant under his hand, which shall continue in force for a period of one month, authorise an officer of an enforcement authority to enter the premises, if need be by force.

(5) An officer entering any premises by authority of a warrant granted under sub-paragraph (4) shall, if the occupier is present, give to the occupier or, if the occupier is temporarily absent, leave in a prominent place on the premises or appropriate part of the premises a notice in writing—

- (a) summarising the officer's powers of seizure and detention of regulated household air conditioners and records under this paragraph;
- (b) explaining that compensation may be payable for damage caused in entering premises and seizing and removing regulated household air conditioners and records therefrom, and giving the address to which an application for compensation should be directed; and
- (c) indicating at which office of the enforcement authority and between which hours a copy of these Regulations is available to be consulted.

(6) An officer entering any premises by virtue of this paragraph may take with him such other persons and such equipment as may appear to him necessary; and on leaving any premises which he has entered by virtue of a warrant he shall, if the premises are unoccupied or the occupier is temporarily absent, leave them as effectively secured against trespassers as he found them.

(7) An officer exercising any power of seizure and detention under this paragraph shall as soon as practicable give to the person against whom the power has been exercised a written notice—

- (a) stating precisely what has been so seized and detained; and
- (b) explaining where, within what period and on what grounds an appeal against such detention may be brought under paragraph 9 (appeals against detention of regulated household air conditioners etc.), and whether the things detained would be released while an appeal were pending.

(8) A person who is not a duly authorised officer of an enforcement authority shall not purport to act as such under this paragraph.

(9) In the application of this paragraph to Scotland, the reference in sub-paragraph (4) to a justice of the peace shall include a reference to a sheriff and the references to written information on oath shall be construed as references to evidence on oath.

(10) In the application of this paragraph to Northern Ireland, the references in sub-paragraph (4) to any information on oath shall be construed as references to any complaint on oath.

9.—(1) Any person having an interest in any regulated household air conditioner or records which are for the time being detained under paragraph 8 (power to enter premises and seize or detain regulated household air conditioners etc.) by an enforcement authority or by a duly authorised officer of an enforcement authority may apply for an order requiring the regulated household air conditioner or records to be released to him or to another person.

(2) An application under this paragraph may be made—

- (a) to any magistrates' court in which proceedings have been brought in England and Wales or Northern Ireland for an offence in respect of a contravention of any provision of these Regulations in relation to the regulated household air conditioner or records;

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- (b) where no such proceedings have been so brought, by way of a complaint to a magistrates' court;
- (c) in Scotland, by summary application to the sheriff.

(3) A magistrates' court or the sheriff shall not make an order under this paragraph unless the court or sheriff is satisfied—

- (a) that proceedings have not been brought for an offence in respect of a contravention of any provision of these Regulations in relation to the regulated household air conditioners or records; and
- (b) that more than twelve months have elapsed since the seizure was carried out.

(4) Any person aggrieved by an order made under this paragraph by a magistrates' court in England and Wales or Northern Ireland, or by a decision not to make such an order, may appeal against that order or decision—

- (a) in England and Wales, to the Crown Court;
- (b) in Northern Ireland, to a county court;

and an order so made may contain such provision as appears to the court to be appropriate for delaying the coming into force of the order pending the making and determination of any appeal (including any application under section 111 of the Magistrates' Court Act 1980^{M14} or article 146 of the Magistrates' Courts (Northern Ireland) Order 1981 (statement of case)^{M15}.

Marginal Citations

M14 1980 c. 43.

M15 S.I. 1981/1675 (N.I. 26).

10.—(1) Where a duly authorised officer of an enforcement authority exercises any powers under paragraph 8 to seize and detain any regulated household air conditioners or records, the enforcement authority shall be liable to pay compensation to any person having an interest in the regulated household air conditioner or records in respect of any loss or damage caused by the exercise of the power if—

- (a) there has been no contravention of any provision of these Regulations in relation to the regulated household air conditioners or records; and
- (b) the exercise of the power is not attributable to any neglect or default by that person.

(2) Any disputed question as to the right or the amount of any compensation payable under this paragraph shall be determined by arbitration or, in Scotland, by a single arbiter appointed, failing agreement between the parties, by the sheriff.

11.—(1) This paragraph shall apply where a court convicts a person of an offence in respect of a contravention of any provision of these Regulations in relation to any regulated household air conditioner or records.

(2) The court may (in addition to any other order it may make as to costs and expenses) order the person convicted to reimburse an enforcement authority for any expenditure which has been or may be incurred by that authority in connection with any seizure or detention by or on behalf of the authority of the regulated household air conditioner or records.

PART III

Miscellaneous and Supplemental

12.—(1) Subject to the following provisions of this paragraph, a person shall not disclose any information—

- (a) which was obtained by him in consequence of it being given to any person in compliance with any requirement imposed by these Regulations; or
- (b) which consists in a secret manufacturing process or trade secret and was obtained by him in consequence of the exercise by any person of any power or duty conferred by these Regulations.

(2) Sub-paragraph (1) shall not apply to a disclosure of information if the information is publicised information or the disclosure is made—

- (a) for the purpose of facilitating the exercise of a relevant person's functions under these Regulations or any enactment mentioned in sub-paragraph (3);
- (b) in pursuance of a Community obligation;
- (c) in connection with the investigation of any criminal offence or for the purposes of any civil or criminal proceedings; or
- (d) in pursuance of regulation 3 of the Environmental Information Regulations 1992 ^{M16}.

(3) The enactments referred to in sub-paragraph (2)(a) are—

- (a) the Trade Descriptions Act 1968 ^{M17};
- (b) Parts II and III and section 125 of the Fair Trading Act 1973 ^{M18};
- (c) the relevant statutory provisions within the meaning of Part I of the Health and Safety at Work etc Act 1974 ^{M19} or within the meaning of the Health and Safety at Work (Northern Ireland) Order 1978 ^{M20};
- (d) the Weights and Measures Act 1985 ^{M21};
- (e) the Weights and Measures (Northern Ireland) Order 1981 ^{M22};
- (f) the Consumer Protection Act 1987 ^{M23};
- (g) the Consumer Protection (Northern Ireland) Order 1987 ^{M24};
- (h) the Electrical Equipment (Safety) Regulations 1994 ^{M25}; and
- (i) any enactment made for the purpose of securing compliance with Council Directive [84/450/EEC](#) on the approximation of laws, regulations and administrative provisions of the member States concerning misleading advertising ^{M26}.

(4) In sub-paragraph (2)(a) the reference to a person's functions shall include a reference to any function of making, amending or revoking any regulations or order.

(5) In this paragraph—

“publicised information” means any information which has been disclosed in open court in any civil or criminal proceedings; and

“relevant person” means any of the following, that is to say—

- (a) a Minister of the Crown, Government Department or Northern Ireland Department;
- (b) the Director General of Fair Trading;
- (c) the Health and Safety Executive;
- (d) an enforcement authority;

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- (e) any person who is charged with enforcing any of the enactments referred to in sub-paragraph (3).

Marginal Citations

- M16** S.I. 1992/3240, to which there are amendments not relevant to these regulations.
M17 S.I. 1968 c. 29.
M18 1973 c. 41.
M19 1974 c. 37.
M20 S.I. 1981/1039 (N.I. 9); to which there are amendments not relevant to these Regulations.
M21 1985 c. 72.
M22 S.I. 1981/231 (N.I. 10); to which there are amendments not relevant to these Regulations.
M23 1987 c. 43.
M24 S.I. 1987/2049 (N.I. 12); to which there are amendments not relevant to these Regulations.
M25 S.I. 1994/3260.
M26 OJ No. L250, 19.9.1984, p. 17.

13. Save for paragraph 6 (power of enforcement authority to require technical documentation), nothing in these Regulations shall be taken as requiring any person—

- (a) to produce any records if he would be entitled to refuse to produce those records in any proceedings in any court on the grounds that they are the subject of legal professional privilege or, in Scotland, that they contain a confidential communication made by or to an advocate or solicitor in that capacity, or as authorising any person to take possession of any records which are in the possession of a person who would be so entitled; or
 (b) to answer any question or give any information if to do so would incriminate that person or that person's spouse.

14. A contract relating to a regulated household air conditioner shall not be void or unenforceable by reason only of a contravention of any provision of these Regulations.

15.—(1) Any document required or authorised by virtue of these Regulations to be served on a person may be so served—

- (a) by delivering it to him or leaving it at his proper address or by sending it by post to him at that address; or
 (b) if the person is a body corporate, by serving it in accordance with sub-paragraph (a) on the secretary or clerk of that body; or
 (c) if the person is a partnership, by serving it in accordance with that sub-paragraph on a partner or on a person having control or management of the partnership business.

(2) For the purposes of sub-paragraph (1), and for the purposes of section 7 of the Interpretation Act 1978^{M27} which relates to the service of documents by post) in its application to that paragraph, the proper address of any person on whom a document is to be served by virtue of these Regulations shall be his last known address except that—

- (a) in the case of service on a body corporate or its secretary or clerk, it shall be the address of the registered or principal office of the body corporate;
 (b) in the case of service on a partnership or a partner or a person having the control or management of a partnership business, it shall be the principal office of the partnership;

and for the purposes of this paragraph the principal office of a company registered outside the United Kingdom or of a partnership carrying on business outside the United Kingdom is its principal office within the United Kingdom.

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Marginal Citations

M27 1978 c. 30.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations implement Council Directive [92/75/EEC](#) (on the indication by labelling and standard product information of the consumption of energy and other resources by household appliances) and Commission Directive [2002/31/EC](#) (implementing Council Directive [92/75/EEC](#) with regard to energy labelling of household air conditioners).

Air conditioners to which these Regulations apply are those specified in regulation 3, subject to the exclusions specified in regulation 4.

Suppliers, as defined in regulation 2, must supply labels (which comply with Schedules 1 and 3) and information notices (which comply with Schedules 2 and 3) about the energy consumption of those regulated household air conditioners (regulations 7 and 8). Suppliers are deemed to consent to the publication of the information given on a label or in an information notice (regulation 9).

They are responsible for the accuracy of this information (regulation 10) and are required to establish, before the air conditioner is placed on the Community market, technical documentation to enable the accuracy of the information to be assessed (regulation 6). Information obtained for the purposes of the Regulations must be obtained in accordance with regulation 5.

Dealers, as defined in regulation 2, must attach a label to a regulated household air conditioner displayed to end-users (regulation 11).

Where a regulated household air conditioner is for sale by communication (as defined in regulation 2), the dealer is required by regulation 12 to provide relevant information as set out in Schedules 2 and 3.

Regulation 14 prohibits the display of misleading information about the energy consumption of regulated household air conditioners. Regulation 15 provides for the presumption of compliance. Regulation 16 and Schedule 5 contain provisions on offences, penalties and other matters of enforcement.

Where a supplier is required to provide labels in another Community language, Schedule 4 sets out the equivalent terms to the terms in English in Schedules 1 and 2.

Regulation 17 makes transitional provision; until 30th June 2003 the Regulations do not apply unless a regulated air conditioner is offered for sale or displayed with a label or information notice or is distributed with a communication.

A Regulatory Impact Assessment, estimating the financial impact of the Regulations on suppliers, dealers and wholesalers of household air conditioners covered by the scheme, can be obtained from: Environment, Business and Consumers Division, Department for Environment, Food and Rural Affairs, Ashdown House, 123 Victoria Street, London SW1E 6DE.

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Changes and effects yet to be applied to :

- Regulations revoked by [S.I. 2005/1726 reg. 18\(2\)](#)