

2005 No. 1726

ENERGY CONSERVATION

**The Energy Information (Household Air Conditioners)
(No. 2) Regulations 2005**

<i>Made - - - - -</i>	<i>28th June 2005</i>
<i>Laid before Parliament</i>	<i>29th June 2005</i>
<i>Coming into force</i>	
<i>Regulations 1 and 18(1)</i>	<i>30th June 2005</i>
<i>Remainder</i>	<i>1st August 2005</i>

The Secretary of State, being a Minister designated(a) for the purposes of section 2(2) of the European Communities Act 1972(b) in relation to measures relating to energy labelling and standard product information for household products(c), makes the following Regulations:

Citation and commencement

1.—(1) These Regulations may be cited as the Energy Information (Household Air Conditioners) (No. 2) Regulations 2005.

(2) This regulation and regulation 18(1) come into force on 30th June 2005 and all other regulations come into force on 1st August 2005.

Interpretation

2.—(1) In these Regulations—

“the Parent Directive” means Council Directive 92/75/EEC(d) on the indication by labelling and standard product information of the consumption of energy and other resources by household appliances;

“the Air Conditioners Directive” means Commission Directive 2002/31/EC(e) implementing the Parent Directive with regard to energy labelling of household air-conditioners;

“the Directives” means the Parent Directive and the Air Conditioners Directive.

(a) S.I. 1992/1711.

(b) 1972 c. 68.

(c) 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 5 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)). There has been no designation of the National Assembly for Wales in respect of such measures under section 2(2) of the European Communities Act 1972 (c. 68).

(d) OJ No. L 297, 13.10.1992, p. 16. The Parent Directive was extended to the European Economic Area (EEA) by EEA Joint Committee Decision No. 7/94 of 21.3.1994 (OJ No. L 160, 28.6.1994, p. 1).

(e) OJ No. L 86, 3.4.2002, p. 26. A corrigendum was published on 11th February 2003 correcting a number of mistakes (OJ No. L 34, 11.2.2003, p. 30) and the directive was amended by the Act concerning the conditions of accession of ten further member States; Annex II: List referred to in Article 20 of the Act of Accession - 12. Energy - B. Energy labelling (OJ No. L 236, 23.9.2003, p. 590). It was extended to the European Economic Area by EEA Joint Committee Decision No.123/2004 of 24.9.2004 (OJ No. L 64, 10.3.2005, p. 20) with adaptations.

(2) In these Regulations, expressions used which are also used in one or both of the Directives have the same meaning as in that or those Directives, and—

“the 2003 Regulations” means the Energy Information (Household Air Conditioners) Regulations 2003^(a);

“appliance” means a household air conditioner of the descriptions referred to in regulation 3(1) and (2);

“communication” means a printed or written communication or other means whereby the potential customer cannot be expected to see the regulated appliance displayed, such as a written offer, a mail order catalogue, advertisements on the Internet or on other electronic media; and “distributes a communication” shall be construed accordingly;

“the Community” means the European Community, and a reference to the Community includes a reference to an EEA State which is not a member State of the Community;

“dealer” means a retailer or other person who offers for sale, displays or sells appliances to end-users;

“EEA State” means a state that is a Contracting Party to the Agreement on the European Economic Area signed at Oporto on 2nd May 1992 as adjusted by the Protocol signed at Brussels on 17th March 1993^(b);

“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^(c); and

(b) in Northern Ireland, the Department of Enterprise, Trade and Investment;

“the harmonised standard” means EN 14511^(d);

“information sheet” means a standard table of information relating to the regulated appliance in question;

“records” includes any books, documents, marks or symbols and any records in non-documentary form;

“regulated appliance” means an appliance to which these Regulations apply;

“sale” includes hire and hire-purchase and related expressions shall be construed accordingly;

“supplier”, in relation to a regulated appliance, means the manufacturer of that appliance or his authorised representative in the Community or the person who places the appliance on the Community market.

Scope

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

(a) air cooled air conditioners of the following descriptions—

- (i) packaged units;
- (ii) single split systems; and
- (iii) multi-split systems; and

(b) water cooled air conditioners of the following descriptions—

- (i) packaged units; and
- (ii) single split systems,

whether or not they are displayed or sold for household use.

(2) These Regulations apply to household air conditioners of the following descriptions—

- (a) factory-made units that can be ducted;
- (b) factory-made units of either fixed capacity or variable capacity by any means;

(a) S.I. 2003/750.

(b) Cmnd. 2073 and Cmnd. 2183.

(c) 1985 c. 72.

(d) European standard EN 14511 of 30th April 2004 entitled “Air-conditioners, liquid chilling packages and heat pumps with electrically driven compressors for space heating and cooling”, which is transposed in the United Kingdom by British Standard BS EN 14511:2004 of the same title published by the British Standards Institution on 19th May 2004; the reference number of this European standard was published in the Official Journal of the European Communities in accordance with Article 2 of the Air Conditioners Directive in OJ No. C 115, 30.4.2004, p. 35.

(c) air-to-air air conditioners which evaporate the condensate on the condenser side, but in the case of a unit consisting of several parts, these Regulations apply only to those parts designed and supplied as a complete package.

(3) These Regulations do not apply to household air conditioners of the following descriptions—

- (a) units having their condenser cooled by air and by the evaporation of external additional water;
- (b) units using transcritical cycles (for example with CO₂ as the refrigerant);
- (c) appliances that may also use other energy sources;
- (d) air-to-water and water-to-water appliances;
- (e) units with an output (cooling power) greater than 12 kW.

(4) These Regulations do not apply to the rating plate or its equivalent affixed for safety purposes to a household air conditioner.

Other Exclusions

4.—(1) Nothing in these Regulations shall apply to an appliance placed on the market anywhere in the Community before 1st August 2005.

(2) There shall be no obligation on any person to comply with these Regulations in respect of—

- (a) models of appliances of which production ceased before 1st August 2005; or
- (b) second hand appliances;

but, if a dealer displays a second hand appliance with a label containing information about the energy consumption of the appliance attached, regulation 11 applies.

(3) There shall be no obligation on a supplier to establish technical documentation, supply labels or provide information sheets in accordance with these Regulations in respect of an appliance intended for use only in a country outside the Community and which he has reasonable grounds to believe will only be used outside the Community.

(4) There shall be no obligation on a dealer to display a label in accordance with these Regulations in respect of an appliance intended for use only in a country outside the Community and which he has reasonable grounds to believe will only be used outside the Community.

(5) There shall be no obligation on any person who distributes a communication in respect of an appliance intended for use only in a country outside the Community and which he has reasonable grounds to believe will only be used outside the Community.

Obtaining the information required by these Regulations

5.—(1) The information required by regulations 6 to 8 shall, where applicable, be obtained by measurements made in accordance with the harmonised standard.

(2) Where a supplier provides information relating to noise, it shall be measured in accordance with Council Directive 86/594/EEC^(a) on airborne noise emitted by household appliances, and the provisions of Schedules 1 and 2 to these Regulations relating to noise information shall apply.

(3) Information obtained other than in accordance with paragraphs (1) and (2) 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 appliance unless he has established technical documentation in relation to the appliance sufficient to enable the accuracy of the information contained in a label or information sheet supplied by him in respect of the appliance to be assessed.

(a) OJ No. L 344, 6.12.1986, p. 24, as last amended by Council Regulation (EC) No. 807/2003 (OJ No. L 122, 16.5.2003, p. 36). This Directive was transposed by the Household Appliances (Noise Emission) Regulations 1990 (S.I. 1990/161; amended by S.I. 1994/1386, 2004/693); *see* regulation 4 of those Regulations requiring that, where noise information is given, it must be determined in accordance with Council Directive 86/594/EEC.

- (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 uniquely and easily identified;
 - (c) information, including drawings as relevant, on the main design features of the model 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 under the test procedures of the harmonised standard and, where available, those carried out by relevant notified organisations as defined under other Community legislation^(a);
 - (f) operating instructions, if any,

and, 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, it shall include details of such calculations, extrapolations or both, as the case may be, and of tests undertaken to verify the accuracy of the calculations made (details of the mathematical model for calculating performance of split systems, and of measurements taken to verify this model).

(3) Where values are derived from those obtained from similar models, the information required under paragraph (2) for those models shall also be provided.

(4) For the purposes of paragraphs (1), (2) and (3), a supplier may use documentation already required on the basis of relevant Community legislation.

(5) A supplier shall make the technical documentation relating to a regulated appliance available for inspection by enforcement authorities for a period ending five years after the last appliance of the model in question has been manufactured.

Supplier's duties in respect of labels

7.—(1) A supplier of a regulated appliance shall supply labels in accordance with the following provisions of this regulation.

(2) The label shall comply with Schedule 1 (the label) and the energy class indicated shall be determined in accordance with Schedule 3 (energy efficiency classification).

(3) A 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 a 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 sheet

8.—(1) A supplier shall provide free of charge with the regulated appliance an information sheet which complies with paragraph (2), and shall comply with paragraph (3) or (4) as the case may require.

(2) The information sheet shall be in the relevant language version and comply with Schedule 2 (the information sheet), and the energy class indicated shall be determined in accordance with Schedule 3 (energy efficiency classification).

(3) Where a supplier provides a product brochure, the brochure shall contain a copy of the information sheet.

(4) Where a supplier does not provide a product brochure, he shall provide a copy of the information sheet with any other literature provided.

Supplier's deemed consent to publication of information

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

^(a) A number of other directives could apply to household air conditioners, for example, the Low Voltage Directive (73/23/EEC (OJ No. L 77, 26.3.1973, p. 29) as amended by Directive 93/68/EEC (OJ No. L 220, 30.8.1993, p. 1)) and the Electromagnetic Compatibility (EMC) Directive (89/336/EEC (OJ No. L 139, 23.5.1989, p. 19) as amended by Directive 93/68/EEC; Directive 89/336/EEC is repealed by Article 14 of Directive 2004/108/EC (OJ No. L 390, 31.12.2004, p. 24) on 20th July 2007), pursuant to which notified organisations may have made measurements.

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

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

(2) The duty in 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 or omission of any information in a communication, information sheet or label.

Dealer's duty in respect of a displayed regulated appliance

11. A dealer who displays a regulated appliance shall attach the appropriate label provided by the supplier to the outside front or top of the appliance so that the label remains clearly visible and is not obscured whenever the appliance is displayed.

Information in respect of mail order and other distance sales

12. Where a person offers for sale a regulated appliance 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 sheet) and describes the regulated appliance in accordance with Schedule 3 (energy efficiency classification).

Translation of Terms used in Schedules 1 and 2

13. Where the relevant language version of a communication, label or information sheet is to be other than English, the terms in Annex V(a) (Translation of Terms to be used in the Label and Fiche) to the Air Conditioners Directive which are equivalent to the English terms given in Schedules 1 and 2 of these Regulations shall be used, and a requirement in regulation 8(2) for the information sheet, regulation 12(a) for the communication or paragraph 1 of Schedule 1 for the label to be in the relevant language version shall not be considered to have been complied with if the equivalent term in Annex V has not been used in translation.

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 appliance 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(b).

Presumption of compliance

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

Enforcement and offences

16.—(1) Subject to paragraph (2), 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 4 shall have effect with regard to offences, enforcement of these Regulations and other related matters.

(a) Annex V was supplemented for the Icelandic and Norwegian terms by EEA Joint Committee Decision No. 123/2004.

(b) See, for example, Regulation (EC) No. 1980/2000 on a revised Community eco-label award scheme (OJ No. L 237, 21.9.2000, p. 1). As at the date of making these Regulations, there is no national environmental labelling scheme in the United Kingdom for this type of appliance.

Transitional provisions

17. On or before 31st January 2006, a supplier may place on the market a regulated appliance notwithstanding that the requirements of regulation 6 have not been complied with, provided that the requirements of regulation 6 of the 2003 Regulations are complied with.

Revocation

18.—(1) The Energy Information (Household Air Conditioners) Regulations 2005^(a) are revoked.

(2) Subject to paragraphs (3) and (4), the 2003 Regulations are revoked.

(3) The 2003 Regulations shall remain in force in relation to any appliance placed on the market before 1st August 2005.

(4) Regulation 6 of the 2003 Regulations shall remain in force for the purposes of regulation 17 of these Regulations.

28th June 2005

Elliot Morley
Minister of State
Department for Environment, Food and Rural Affairs

(a) S.I. 2005/1531.

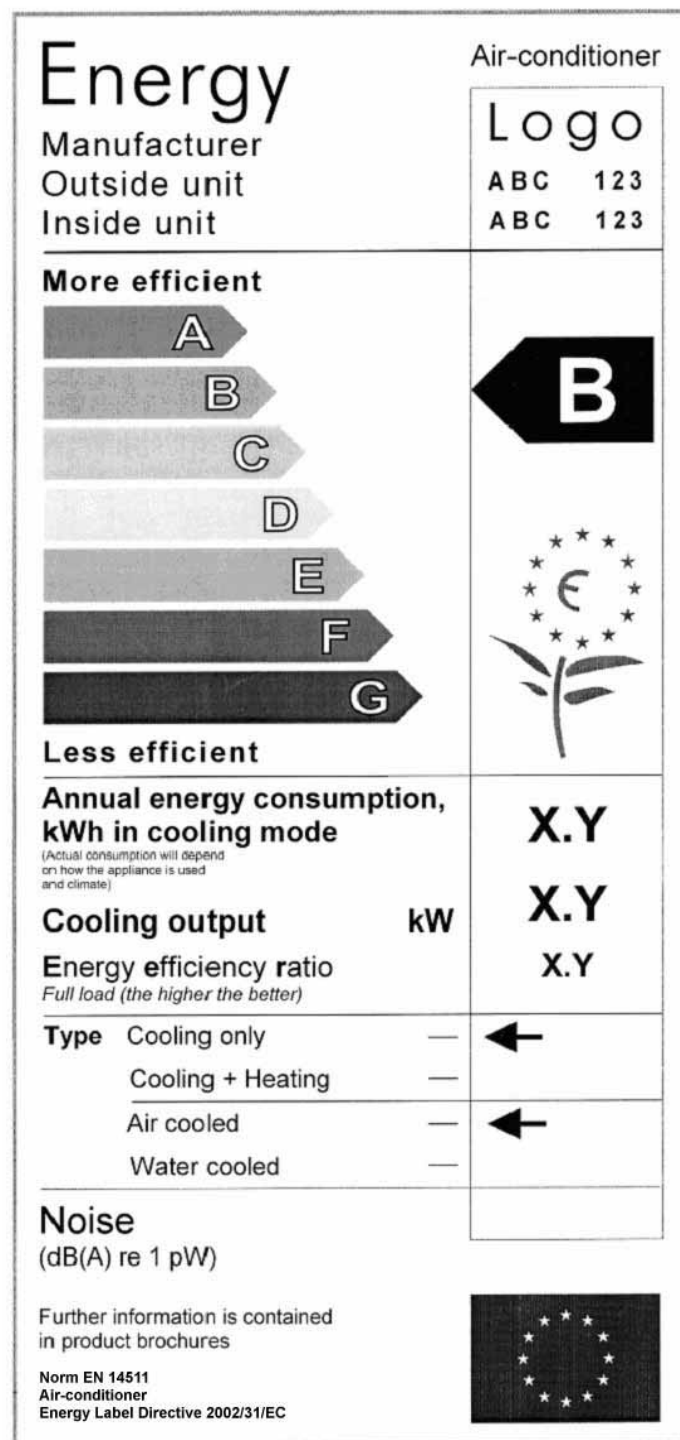
SCHEDULE 1

Regulation 7(2)

The Label

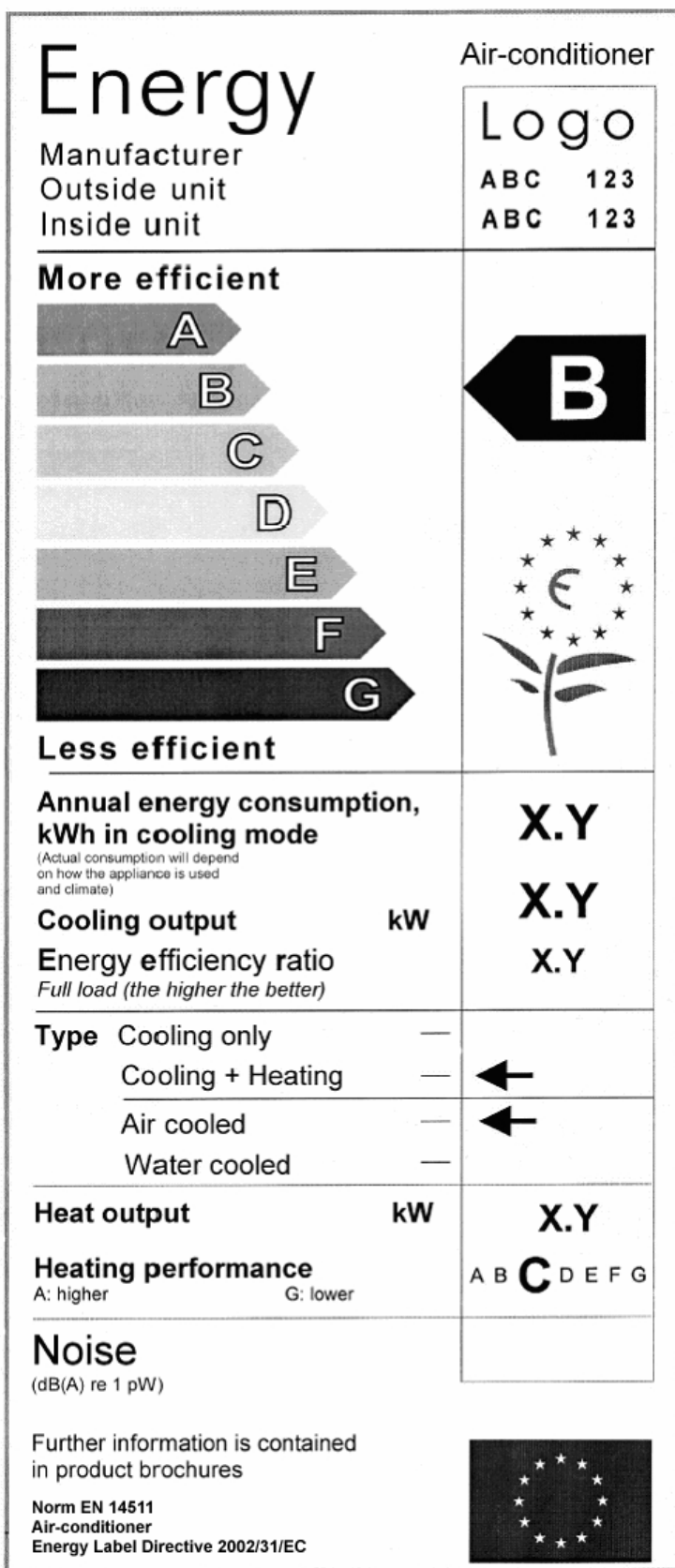
1. The label shall be in the relevant language version(a) chosen from the following illustrations—
 (a) Figure 1 for a cooling only regulated appliance; or
 (b) Figure 2 for a cooling/heating regulated appliance,
 and shall include the information required by paragraph 2 and conform to the printing requirements of paragraphs 3 and 4.

Figure 1



(a) EEA Joint Committee Decision No. 123/2004 adapted the Air Conditioners Directive to make provision for Icelandic and Norwegian relevant language versions.

Figure 2



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

Note

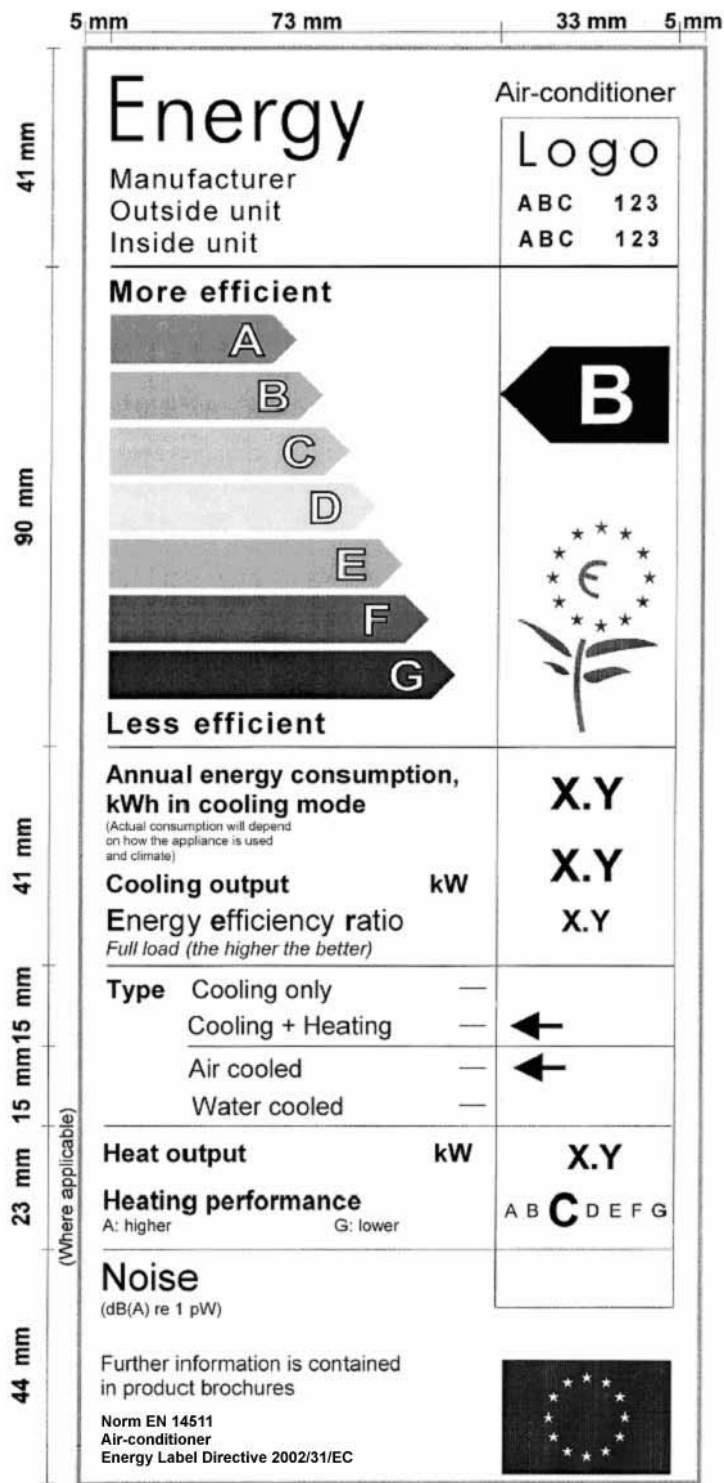
I	Supplier's name or trademark.
II	Supplier's model identifier. For 'split and multi-split' units, the model identifier of the indoor and of the outdoor elements of the combination to which the figures quoted below apply.
III	The energy efficiency class of the model, or combination, determined in accordance 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(a) of the European Parliament and of the Council of 17th July 2000 on a revised Community eco-label award scheme, 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 standard 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 standard (conditions T1 'moderate').
VI	The cooling output defined as the cooling capacity in kW of the regulated appliance in cooling mode at full load, determined in accordance with the test procedures of the harmonised standard (conditions T1 'moderate').
VII	The EER (energy efficiency ratio) of the regulated appliance in cooling mode at full load, determined in accordance with the test procedures of the harmonised standard (conditions T1 'moderate').
VIII	The type of regulated 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 regulated appliances with heating capability (Figure 2): the heat output defined as the heating capacity in kW of the regulated appliance in heating mode at full load, determined in accordance with the test procedures of the harmonised standard (conditions T1 + 7C).
XI	Only for regulated 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 standard (conditions T1 + 7C). If the regulated appliance heating capability is provided by a resistive element then the COP (coefficient of performance) shall have the value of 1.
XII	Noise during standard function, where applicable.

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

Printing

3. Figure 3 defines certain aspects of the label.

Figure 3



4. Colours are to be used on the label in accordance with the following—

CMYK/cyan, magenta, yellow, black.

E.g.: 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 Sheet

1. The information sheet shall contain the information specified below. The information may be given 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) or given close to the description of the regulated appliance.

(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 regulated 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 standard (conditions T1 'moderate'), as defined in Note V to paragraph 2 of Schedule 1.

(6) The cooling output defined as the cooling capacity in kW of the regulated appliance in cooling mode at full load, determined in accordance with the test procedures of the harmonised standard (conditions T1 'moderate'), as defined in Note VI to paragraph 2 of Schedule 1.

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

(8) The type of regulated appliance: cooling only, cooling/heating.

(9) The cooling mode: air cooled, water cooled.

(10) In the case of regulated appliances with heating capability:

(a) the heat output defined as heating capacity in kW of the regulated appliance in heating mode at full load, determined in accordance with the test procedures of the harmonised standard (conditions T1 + 7C), as defined in Note X to paragraph 2 of Schedule 1;

(b) 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 standard (conditions T1 + 7C), as defined in Note XI to paragraph 2 of Schedule 1. If the regulated appliance heating capability is provided by a resistive element then the COP (coefficient of performance) shall have the value of 1.

(11) Noise during standard function, where applicable(a).

(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 standard.

2. If a copy of the label, either in colour or black and white is included in the information sheet, then only the information which is not included on the label needs to be added.

(a) Where noise information is provided, the Household Appliances (Noise Emission) Regulations 1990 apply (S.I. 1990/161 as amended by S.I. 1994/1386, 2004/693).

SCHEDULE 3

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

Energy Efficiency Classification

1. The energy efficiency class of a regulated appliance 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 standard at conditions T1 'moderate'.

Table 1 Air-cooled air conditioners

Table 1.1

<i>Energy Efficiency class</i>	<i>Split and multi-split appliances</i>
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	$2.20 \geq \text{EER}$

Table 1.2

<i>Energy Efficiency class</i>	<i>Packaged⁽¹⁾</i>
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	$2.00 \geq \text{EER}$

⁽¹⁾ Packaged 'double ducts' units (known commercially as 'double ducts') defined as 'Air conditioner completely positioned inside the conditioned space, with the condenser air intake and air discharge connected to the outside by means of two ducts', will be classified according to Table 1.2 with a correction factor of -0.4.

Table 1.3

<i>Energy Efficiency class</i>	<i>Single-duct</i>
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	$1.60 \geq \text{EER}$

Table 2—Water-cooled air conditioners

Table 2.1

<i>Energy Efficiency class</i>	<i>Split and multi-split appliances</i>
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	$2.20 \geq \text{EER}$

Table 2.2

<i>Energy Efficiency class</i>	<i>Packaged</i>
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 is then determined in accordance with the following tables: where COP (co-efficiency of performance) is determined in accordance with the test procedures of the harmonised standard at conditions T1 + 7C.

Table 3—Air-cooled air conditioners—heating mode

Table 3.1

<i>Energy Efficiency class</i>	<i>Split and multi-split appliances</i>
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	$2.40 \geq \text{COP}$

Table 3.2

<i>Energy Efficiency class</i>	<i>Packaged⁽¹⁾</i>
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	$2.20 \geq \text{COP}$

⁽¹⁾ Packaged ‘double ducts’ units (known commercially as ‘double ducts’) defined as ‘Air conditioner completely positioned inside the conditioned space, with the condenser air intake and air discharge connected to the outside by means of two ducts’, will be classified according to Table 3.2 with a correction factor of -0.4.

Table 3.3

<i>Energy Efficiency class</i>	<i>Single-duct</i>
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	$1.80 \geq \text{COP}$

Table 4—Water-cooled air conditioners—heating mode

Table 4.1

<i>Energy Efficiency class</i>	<i>Split appliances</i>
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	$2.50 \geq \text{COP}$

Table 4.2

<i>Energy Efficiency class</i>	<i>Packaged</i>
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	$3.20 \geq \text{COP}$

SCHEDULE 4

Regulation 16(3)

Offences, Enforcement And Other Matters

PART I

Provisions as to Offences

Offences and penalties

- 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 sheet);
 - (d) regulation 10 (supplier's duties in respect of the accuracy of labels and information sheets);
 - (e) regulation 11 (dealer's duty in respect of a displayed regulated appliance);
 - (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, and false statements to, authorised officers).

(2) A person guilty of an offence specified in sub-paragraph (1) shall be liable on summary conviction to a fine not exceeding level 5 on the standard scale.

Prosecution of offences

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.

Defence

3. 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.

Liability of a person other than the principal offender

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 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 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

Obstruction of, and false statements to, authorised officers

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 imposed on 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.

Power of enforcement authority to require technical documentation

6. Where an enforcement authority has reason to suspect that the information given on a label or in an information sheet is incorrect, the authority may, by notice served on the supplier of the regulated appliance 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.

Test purchases

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 appliance.

(2) Where—

- (a) a regulated appliance 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
- (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 regulated appliance was purchased or any person who is a party to the proceedings or has an interest in the regulated appliance to have that appliance tested.

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

Power to enter premises and inspect, seize and detain a regulated appliance and records relating to it

- 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 duly authorised officers of an enforcement 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 appliance 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 appliance 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 appliance for the purpose of ascertaining, by testing or otherwise, whether the offence has been committed;
 - (d) to seize and detain any regulated appliance 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), paragraphs (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 appliance 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 a regulated appliance and records under this paragraph;
 - (b) explaining that compensation may be payable for damage caused in entering premises and seizing and removing a regulated appliance and records, 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 a regulated appliance etc), and whether the things detained would be released while an appeal were pending.

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

(9) 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.

Appeals against detention of a regulated appliance and records relating to it

9.—(1) Any person having an interest in any regulated appliance or records which are for the time being detained under paragraph 8 (power to enter premises and inspect, seize and detain a regulated appliance etc), may apply for an order requiring the regulated appliance 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 appliance or records;
- (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 appliance 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^(a) or article 146 of the Magistrates' Courts (Northern Ireland) Order 1981^(b) (statement of case).

Compensation for loss etc of a regulated appliance or records seized

10.—(1) Where a duly authorised officer of an enforcement authority exercises any powers under paragraph 8 to seize and detain any regulated appliance or records, the enforcement authority shall be liable to pay compensation to any person having an interest in the regulated appliance 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 appliance 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.

Recovery of expenses of enforcement

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 appliance 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 appliance or records.

(a) 1980 c. 43; there are amendments to this Act not relevant to these Regulations.

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

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) as it applies to household air conditioners, and Commission Directive 2002/31/EC (implementing Council Directive 92/75/EEC with regard to energy labelling of household air conditioners). These directives apply to the EEA (EEA Joint Committee Decisions 7/94 and 123/2004 respectively).

Regulation 18 revokes the Energy Information (Household Air Conditioners) Regulations 2003 (S.I. 2003/750), subject to certain transitional provisions. It also revokes the Energy Information (Household Air Conditioners) Regulations 2005 (S.I. 2005/1531), in which there were errors, before they come into force.

The Regulations apply to air conditioners as specified in regulation 3, subject to the exclusions contained in that regulation and regulation 4. The exclusion in regulation 4(1) applies if the air conditioner was placed on the market anywhere in the Community (as defined in regulation 2(2)) before 1st August 2005.

By regulation 5, the information referred to in regulations 6 to 8 must be obtained, where relevant, through testing against the harmonised standard EN 14511. A supplier (as defined in regulation 2(2)) must establish technical documentation before placing the air conditioner on the market (regulation 6).

Suppliers have a duty to provide labels to dealers free of charge (regulation 7 and Schedules 1 and 3) and dealers (as defined in regulation 2(2)) have a duty to attach such labels to regulated appliances (also defined in regulation 2(2)) (regulation 11).

Suppliers are obliged to provide free of charge an information sheet (regulation 8 and Schedule 2), which must be included in any product brochure where provided, or, in other cases, with any other information provided. The Regulations make clear that suppliers are deemed to have consented to that information being published and they have a duty to ensure the accuracy of such information (regulations 9 and 10). Regulation 12 covers distance selling and requires that certain information be provided. Regulation 13 provides that, where information is to be provided in a language other than English, Annex V to the Air Conditioners Directive (Translation of Terms to be used in the Label and Fiche) is to be used for the purpose of translating terms into that other language.

Regulation 14 prohibits the provision of misleading information relating to energy information. Regulation 16 and Schedule 4 deal with enforcement.

Regulation 17 contains transitional provisions.

A Regulatory Impact Assessment of the effect that these Regulations will have on the costs of business has been prepared and placed in the library of each House of Parliament, together with Transposition Notes setting out how the main elements of Council Directive 92/75/EEC and Commission Directive 2002/31/EC (as corrected) are transposed in these Regulations. Copies of these documents may be obtained from the Department for Environment, Food and Rural Affairs, Environment Business and Consumers Division, Zone 6/D11, Ashdown House, 123 Victoria Street, London SW1E 6DE.

Copies of British Standard BS EN 14511, which transposes EN 14511 referred to in these Regulations, may be obtained from any of the sales outlets operated by the British Standards Institution, by post from the British Standards Institution, Customer Services, 389 Chiswick High Road, London W4 4AJ, by telephone to 020 8996 9001, or by email to orders@bsi-global.com.

STATUTORY INSTRUMENTS

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