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## EXPLANATORY NOTE

*(This note is not part of the Regulations)*

These Regulations implement the requirements of Directive [2009/125/EC](#) of the European Parliament and of the Council establishing a framework for the setting of eco-design requirements for energy-related products (OJ No L285, 31.10.2009, p10) and implements elements of the market surveillance Regulation [\(EC\) No 765/2008](#) of the European Parliament and of the Council of 9 July 2008 setting out the requirements for accreditation and market surveillance relating to the marketing of products and repealing Regulation [\(EEC\) No 339/93](#) (“RAMS”) (OJ No L128 13.8.2008, p30). It also gives effect to any applicable implementing measures which are made pursuant to the Directive. These Regulations also give effect to Decision No 768/2008 of the European Parliament and of the Council on a common framework for the marketing of products, and repealing Council Decision [93/465/EEC](#) (OJ No L 218, 13.8.2008, p82).

Regulation 3 requires that an energy-related product must not be placed on the market or put into service unless it complies with an applicable implementing measure. Schedule 1 sets out the requirements for a declaration of conformity and lists energy-related products and their applicable implementing measures.

Regulation 4 requires that a manufacturer of an energy-related product and components sub-assemblies must not place it on the market or put it into service unless it has assessed whether it complies with an applicable implementing measure and if it does comply it must make a declaration of conformity and affix the CE marking which is shown in Schedule 2.

Regulation 5 imposes similar requirements on authorised representatives and importers of energy-related products.

Regulation 6 provides that regulation 3 does not apply to displays of energy-related products.

Regulation 7 sets out presumptions in relation to an energy-related product.

Regulation 8 prohibits the affixing of a CE marking to an energy-related product which may mislead a person to believe that an energy-related product complies with an applicable implementing measure.

Regulation 9 requires documents relating to conformity assessments of energy-related products to be kept for 10 years.

Regulation 10 designates the Secretary of State as the competent national authority and the notifying authority for the purposes of Decision No 768/2008 of the European Parliament and of the Council and designates the Secretary of State as the market surveillance authority for the purposes of RAMS.

Schedule 3 sets out the appeals procedure in relation to decisions of notified bodies.

Regulation 12 provides that the market surveillance authority may authorise any suitable person to act for it.

Schedules 4 and 5 deal with warrants in relation to powers of entry exercised under RAMS, testing costs which the market surveillance authority may recover from manufactures and civil sanctions which the market surveillance authority may impose. Regulations 14 to 17 set out offences, penalties and related matters. Regulation 18 allows a court to make a remediation order in respect of a person convicted of an offence under these Regulations. Regulation 19 provides for the recovery of expenses of enforcement.

**Changes to legislation:**

There are currently no known outstanding effects for the The Ecodesign for Energy-Related Products Regulations 2010.