

L.N. 63 of 2002

**PRODUCT SAFETY ACT
(ACT NO. V OF 2001)**

**Energy Efficiency Requirements for Household Electric
Refrigerators, Freezers and Combinations thereof, 2002**

IN exercise of the powers conferred by articles 38 to 40 of the Product Safety Act, 2001, the Minister for Economic Services, on the advice of the Malta Standards Authority, has made the following regulations:-

1.1. The title of these regulations is the Energy Efficiency Requirements for Household Electric Refrigerators, Freezers and Combinations thereof Regulations, 2002. Citation and
commencement

1.2. These regulations shall become operative on the 1st January, 2003:

Provided that the requirements to provide information to the European Commission referred to in regulation 8.3 of these regulations shall come into force on such date as the Minister responsible for consumer affairs, after consultation with the Malta Standards Authority may prescribe.

2.1. These regulations shall apply to new electric mains-operated household refrigerators, frozen food storage cabinets, food freezers, and combinations of these as defined in Annex I of the Directive, which is set out in Schedule I hereto. Scope

2.2. Appliances which can also use other energy sources, particularly accumulators, and household refrigeration appliances working on the absorption principle and appliances manufactured on a one off basis shall be excluded.

3.1. For the purposes of these regulations, the following definitions shall apply: Definitions.

3.1.1. "The Directive" means Council Directive 96/57/EC¹ of the European Parliament and of the Council of 3rd September, 1996 on energy efficiency requirements for household electric refrigerators, freezers and combinations thereof.

¹Of No. L 236, 18.09.96, P. 36-43.

3.1.2. "Refrigeration appliances" means new electric mains-operated household refrigerators, frozen food storage cabinets, food freezers, and combinations of these.

3.1.3. In these regulations, unless the context otherwise requires, expressions used have the same meaning as in the Directive.

3.1.4. "Harmonised Standard" means a technical specification adopted by the European Committee for Standardisation (CEN) or the European Committee for Electrotechnical Standardisation (CENELEC) or the European Telecommunications Standards Institute (ETSI), upon a remit from the European Commission in accordance with Directive 98/34/EC² of the European Parliament and of the Council laying down a procedure for the provision of information in the field of technical standards and regulations as amended by Directive 98/48/EC³ of the European Parliament and of the Council.

3.1.5. "National Standard transposing the Harmonised Standard" means a Standard issued by one of the members of CEN/CENELEC/ETSI which is declared and noted to be technically equivalent to the Harmonised Standard originally issued by CEN/CENELEC/ETSI.

3.1.6. "OJ" means the Official Journal of the European Communities.

3.1.7. "CE marking" means the CE conformity marking consisting of the symbol "CE" as set out in Schedule III to these regulations;

3.1.8. "Manufacturer" means the person:

3.1.8.1. who is primarily responsible for the design and construction of the refrigeration appliances so that it complies with the requirements of these regulations;

3.1.8.2. who is responsible for "re-building" or modifying refrigeration appliances, and who in so doing is creating "as-new" refrigeration appliances;

²OJ No. L 204, 21.07.98, P. 37.

³OJ No. L 217, 05.08.98, P. 18.

3.1.8.3. who takes responsibility for the appraisal of the design, construction and any necessary modification of used imported refrigeration appliances.

3.1.9. "Local authorised representative" means any person (or organisation) established in Malta who has been appointed by the manufacturer to act on his behalf in carrying out certain tasks required by these regulations;

3.1.10. "Importer" means any person who places a refrigeration appliance from a foreign country on to the Maltese market so that he supplies such a refrigeration appliance on the first occasion that it is supplied in Malta;

3.1.11. "Person who supplies refrigeration appliances" means wholesalers, distributors, retailers etc.

3.1.12. "Supply" includes offering to supply, agreeing to supply, exposing for supply and possessing for supply, and cognate expressions shall be construed accordingly:

Provided that "supply" does not include exhibition at trade fairs and exhibitions of refrigeration appliances in respect of which the provisions of these regulations are not satisfied if a notice is displayed in relation to the refrigeration appliance in question to the effect:-

3.1.12.1. that it does not satisfy those provisions; and

3.1.12.2. that it may not lawfully be supplied until the responsible person has ensured that those provisions are satisfied;

3.1.13. "Responsible person" in relation to refrigeration appliances means:

3.1.13.1. the manufacturer thereof;

3.1.13.2. the manufacturer's local authorised representative;
or

3.1.13.3. where the manufacturer is not established in Malta and he has not appointed a local authorised representative, the person who places the refrigeration appliances on the local market.

3.1.14. "Placing on the market" means importation, wholesale, retail, sale and distribution free of charge.

Applicability.

4.1. The provisions of these regulations are applicable to all imported refrigeration appliances as well as to those manufactured for the local market.

4.1.1. No person may construct, import, place on the market or put into service any refrigeration appliance which does not comply with the provisions of these regulations.

General requirements

5.1. All necessary measures shall be taken to ensure that refrigeration appliances covered by these regulations can be placed on the market only if the electricity consumption of the appliance in question is less than or equal to the maximum allowable electricity consumption value for its category as calculated according to the procedures defined in Annex I of the Directive, which is set out in Schedule I hereto.

5.2. The manufacturer of a refrigeration appliance covered by these regulations, his authorised representative or the person responsible for placing the appliance on the market shall be responsible for ensuring that each appliance placed on the market conforms with the requirement referred to in regulation 5.1 of these regulations.

5.3. Unless there is evidence to the contrary, an appliance bearing the CE marking required under regulation 9.1 of these regulations shall be deemed to comply with these regulations.

5.4. In respect of refrigeration appliances to be placed on the market and put into service in Malta, where the requirements of Schedule II to these regulations are to be met, the marking, labelling, information and instructions shall be in either the Maltese or English language.

Free movement.

6.1. The placing on the market of refrigeration appliances referred to in regulation 3.1.2 of these regulations and bear the CE marking attesting to their conformity to all provisions of these regulations, shall not be prohibited, restricted or impeded.

Conformity assessment procedures.

7.1. The conformity assessment procedures and the obligations relating to the CE marking of refrigeration appliances are laid down in Annex II of the Directive, which is set out in Schedule II hereto.

Withdrawal and prohibition from market.

8.1. Where a non-complying refrigeration appliance, referred to in regulation 3.1.2 of these regulations bears the CE marking, the Director of Consumer Affairs shall take appropriate action against whom so ever has affixed the marking or drawn up the declaration and shall so inform the Consumer and Industrial Goods Directorate⁴ of the Malta Standards Authority.

⁴L.N. 213 of 2000 - Malta Standards Authority (Establishment of Directorates) Order, 2000, published in the Government Gazette No. 17302 of 20th October, 2000

8.2. Any decision taken pursuant to these regulations which contains a restriction on the placing on the market of refrigeration appliances shall state the precise grounds on which it is based.

8.2.1. The party concerned shall be notified without delay of the decision and shall be informed at the same time of the possibilities and time limits regarding the legal remedies available to it under the laws in force in Malta and of the time limits to which such remedies are subject.

8.3. The Consumer and Industrial Goods Directorate of the Malta Standards Authority shall immediately inform the Commission of any measures taken in pursuance of regulation 8.1 of these regulations.

8.4. All appropriate measures shall be taken to encourage the local authorities responsible for implementing these regulations to cooperate with each other and provide each other with information in order to assist the functioning of these regulations.

9.1. When appliances are placed on the market, they must bear CE Marking the "CE" marking, which shall consist of the initials "CE".

9.1.1. The form of the marking to be used is shown in Annex III of the Directive, which is set out in Schedule III hereto.

9.2. The "CE" marking shall be affixed visibly, legibly and indelibly to refrigeration appliances and, where appropriate, to the packaging.

9.3. The affixing on refrigeration appliances of any markings which are likely to mislead third parties as to the meaning and form of the "CE" marking shall be prohibited. Any other marking may be affixed to the appliances, their packaging, the instruction sheet or other documents, provided that the "CE" marking remains visible and legible.

9.4. Without prejudice to regulation 8:

9.4.1. Where it is established that the "CE" marking has been affixed improperly, the manufacturer or his authorised representative shall be obliged to bring the refrigeration appliance into conformity and to end the infringement in accordance with conditions laid down by the Director of Consumer Affairs. Where neither the manufacturer nor his authorised representative is established in Malta, the person who places the refrigeration appliance on the market shall undertake these obligations.

9.4.2. Where the refrigeration appliance continues not to be in conformity, the Director of Consumer Affairs shall take all necessary measures pursuant to regulation 8 of these regulations to restrict or prohibit the placing on the market of the product in question or to ensure that it is withdrawn from the market.

9.5. Where refrigeration appliances are subject to other Directives covering other aspects which also provide for affixing of the "CE" marking, the latter shall indicate that the refrigeration appliances in question are also presumed, unless evidence to the contrary exists, to conform to the provisions of those other Directives.

9.5.1. Where one or more of the Directives referred to in regulation 9.5 above, allow the manufacturer, during a transitional period, to choose which rules to apply, the "CE" marking shall indicate conformity solely with the provisions of those Directives applied by the manufacturer. In that case, the reference numbers of the Directives applied, as published in the Official Journal of the European Communities, must be given in the documents, notices or instructions accompanying the refrigeration appliances.

Schedule I

Based on Annex I of the Directive

METHOD FOR CALCULATING THE MAXIMUM ALLOWABLE ELECTRICITY CONSUMPTION OF A REFRIGERATION APPLIANCE AND PROCEDURE FOR CHECKING CONFORMITY

The electricity consumption of a refrigeration appliance (which may be expressed in kWh per 24 hours) is a function of the category of appliance to which it belongs (e.g. 1-star refrigerator, chest freezer, etc.), its volume and the energy efficiency of its construction, (thickness of insulation, compressor efficiency, etc.) and the difference between ambient temperature and the temperature inside the appliance. In setting energy efficiency standards therefore, allowance must be made for the main endogenous factors which influence energy consumption (i.e. the category of the appliance and its volume). For this reason the maximum allowable electricity consumption of a refrigeration appliance is defined by a linear equation which is a function of the volume of the appliance, with different equations laid down for each category of appliance.

To calculate the maximum allowable electricity consumption of a given appliance, it must therefore first be allocated to the appropriate category from the following list:

<i>Category</i>	<i>Description</i>
1	Refrigerator without low temperature compartment (any compartment with a temperature at or below -6°C)
2	Refrigerator/chiller with compartment at 5°C and/or 12°C
3	Refrigerator with no-star low temperature compartment
4	Refrigerator with low temperature compartment (*)
5	Refrigerator with low temperature compartment (**)
6	Refrigerator with low temperature compartment (***)
7	Refrigerator/freezer with freezer compartment (***)
8	Food freezer, upright
9	Food freezer, chest
10	Refrigerator/freezer with more than two doors, or other appliances not covered above

<i>Category</i>	<i>Description</i>	<i>E_{max} (kWh/24 h)</i>
1	Refrigerator without low temperature compartment	$(0.207 \times V_{adj} + 218)/365$
2	Refrigerator/chiller with compartment at 5°C and/or 12°C	$(0.207 \times V_{adj} + 218)/365$
3	Refrigerator with no-star low temperature compartment	$(0.207 \times V_{adj} + 218)/365$
4	Refrigerator with low temperature compartment (*)	$(0.557 \times V_{adj} + 166)/365$
5	Refrigerator with low temperature compartment (**)	$(0.402 \times V_{adj} + 219)/365$
6	Refrigerator with low temperature compartment (***)	$(0.573 \times V_{adj} + 206)/365$
7	Refrigerator/freezer, with freezer compartment (****)	$(0.697 \times V_{adj} + 272)/365$
8	Food freezer, upright	$(0.434 \times V_{adj} + 262)/365$
9	Food freezer, chest	$(0.480 \times V_{adj} + 195)/365$

For refrigerators/freezers with more than two doors, or other appliances not covered above, the maximum allowable electricity consumption (E_{max}) is determined by the temperature and the star rating of the compartment with the lowest temperature, as follows:

<i>Temperature of the coldest compartment</i>	<i>Category</i>	<i>E_{max} (kWh/24 hours)</i>
> -6°C	1/2/3	$(0.207 \times V_{adj} + 218)/365$
≤ -6°C (*)	4	$(0.557 \times V_{adj} + 166)/365$
≤ -12°C (**)	5	$(0.402 \times V_{adj} + 219)/365$
≤ -18°C (***)	6	$(0.573 \times V_{adj} + 206)/365$
≤ -18°C (****)	7	$(0.697 \times V_{adj} + 272)/365$

Test procedures for checking whether an appliance complies with the electricity consumption requirements of these regulations.

If the electricity consumption of a refrigeration appliance submitted for verification is less than or equal to $E_{\max}$ (the maximum allowable electricity consumption value for its category, as defined above), plus 15 %, the appliance is certified as conforming to the electricity consumption requirements of these regulations. If the electricity consumption of the appliance is greater than $E_{\max}$ plus 15 %, the electricity consumption of a further three appliances must be measured. If the arithmetic mean of the electricity consumptions of these three appliances is less than or equal to $E_{\max}$ plus 10 %, the appliance is certified as conforming to the electricity consumption requirements of these regulations. If the arithmetic mean exceeds $E_{\max}$ plus 10 %, the appliance must be judged not to conform to the electricity consumption requirements of these regulations.

Definitions

The terms used in this Schedule correspond to the definitions in MSA EN 153:2000.

Schedule II

Based on Annex II of the Directive

CONFORMITY ASSESSMENT PROCEDURES (MODULE A)

1. This module describes the procedure whereby the manufacturer or his authorized representative, who carries out the obligations laid down in point 2 of this Schedule, ensures and declares that the refrigeration appliance satisfies the relevant requirements of these regulations. The manufacturer must affix the "CE" marking to each refrigeration appliance which he manufactures and draw up a written declaration of conformity.

2. The manufacturer must establish the technical documentation described in point 3 of this Schedule and he or his authorized representative must keep it at the disposal of the relevant national authorities for inspection purposes for a period of not less than three years from the date on which the last appliance has been manufactured.

Where neither the manufacturer nor his authorized representative is established in Malta, the obligation to keep the technical documentation available is the responsibility of the person who places the refrigeration appliance on the market.

3. Technical documentation must enable the conformity of the refrigeration appliance with the requirements of these regulations to be assessed. It must, as far as relevant for such assessment, cover the design, manufacture and operation of the refrigeration appliance and comprise:

- (i) the name and the address of the manufacturer;
- (ii) a general description of the model sufficient for unambiguous identification;
- (iii) information, including drawings as relevant, on the main design features of the model and in particular on items which appreciably affect its electricity consumption, such as dimensions, volume(s), compressor characteristics, special features, etc.;
- (iv) the operating instructions, if any;
- (v) the results of electricity consumption measurements carried out as required by point 5 of this Schedule;
- (vi) details of the conformity of these measurements as compared to the energy consumption requirements set out in Annex I of the Directive, which is set out in Schedule I hereto.

4. Technical documentation established for other legislations may be used in so far as it meets the requirements of this Schedule.

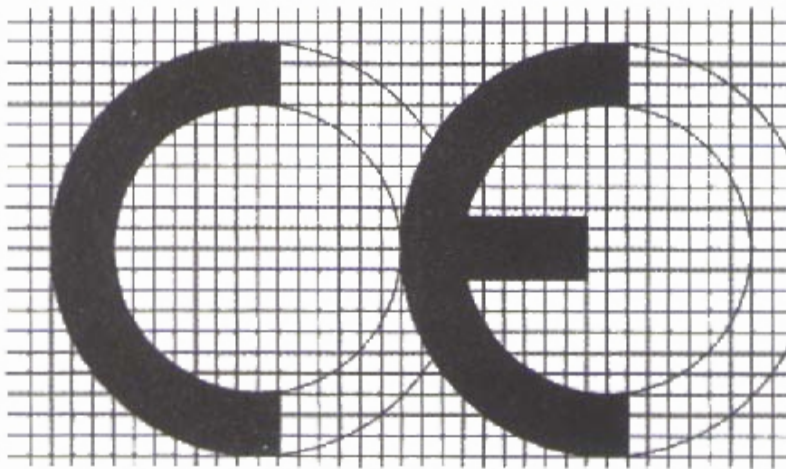
5. Manufacturers of refrigeration appliances are responsible for establishing the electricity consumption of each refrigeration appliance covered by these regulations according to the procedures specified in MSA EN 153:2000, as well as the appliance's conformity with the requirements of regulation 5 of these regulations.

6. The manufacturer or his authorized representative must keep a copy of the declaration of conformity with the technical documentation.

7. The manufacturer must take all measures necessary in order that the manufacturing process ensures that the manufactured refrigeration appliances comply with the technical documentation referred to in point 2 of this Schedule and with the relevant requirements of the regulations.

Schedule III**Based on Annex III of the Directive****“CE” CONFORMITY MARKING**

The conformity marking shall consist of the initials “CE” taking the following form:



For the avoidance of doubt, it is hereby declared that the grid providing the background in the above graduated drawing is not part of the CE marking.

If the “CE” marking is reduced or enlarged the proportions given in the above graduated drawing must be respected.

The various components of the “CE” marking must have substantially the same vertical dimension, which may not be less than 5 mm.