
L.N. 337 of 2011**PRODUCT SAFETY ACT
(CAP. 427)****Indication by Labelling and Standard Product Information
of the Consumption of Energy and other Resources by Energy
Related Products Regulations, 2011**

IN exercise of the powers conferred by articles 38 to 40 of the Product Safety Act, the Prime Minister, on the advice of the Malta Competition and Consumer Affairs Authority, has made the following regulations:-

1. (1) The title of these regulations is the Indication by Labelling and Standard Product Information of the Consumption of Energy and other Resources by Energy Related Products Regulations, 2011.

Citation, scope and commencement.

(2) These regulations implement the requirements of Directive 2010/30/EC of the European Parliament and of the Council of 9th May 2010 on the indication by labelling and standard product information of the consumption of energy and other resources by energy related products (recast), hereinafter referred to as “the Directive”.

(3) These regulations shall be read and construed in conjunction with the legislative provisions listed in regulation 2(2) of these regulations but separately from the other regulations in the said list.

(4) These regulations shall come into force on the 20th July, 2011.

2. (1) These regulations provide for the setting of measures on end-user information, particularly by means of labelling and standard product information, on the consumption of energy and where relevant of other essential resources during use, and supplementary information concerning energy-related products, thereby allowing end-users to choose more efficient products.

Scope and application.

(2) These regulations shall apply to the following energy related products, save for the unauthorised use of the label which is applicable to all products:

(a) Commission Delegated Regulation (EU) No 1060/2010 of 28 September 2010 supplementing Directive 2010/30/EU of the European Parliament and of the Council with regard to energy labelling of household refrigerating appliances.

(b) Commission Delegated Regulation (EU) No 1062/2010 of 28 September 2010 supplementing Directive 2010/30/EU of the European Parliament and of the Council with regard to energy labelling of televisions.

(c) Commission Delegated Regulation (EU) No 1059/2010 of 28 September 2010 supplementing Directive 2010/30/EU of the European Parliament and of the Council with regard to energy labelling of household dishwashers.

(d) Commission Delegated Regulation (EU) No 1061/2010 of 28 September 2010 supplementing Directive 2010/30/EU of the European Parliament and of the Council with regard to energy labelling of household washing machines.

(e) Energy labelling of household air-conditioners (Implementing Measures) Regulations, 2011.

(f) Energy labelling of household combined-wash driers (Implementing Measures) Regulations, 2011.

(g) Energy labelling of household dish washers (Implementing Measures) Regulations, 2011.

(h) Energy labelling of household electric ovens (Implementing Measures) Regulations, 2011.

(i) Energy labelling of household lamps (Implementing Measures) Regulations, 2011.

(j) Energy labelling of household electric refrigerators, freezers and their combinations (Implementing Measures) Regulations, 2011.

(k) Energy labelling of household electric tumble driers (Implementing Measures) Regulations, 2011.

(l) Energy labelling of household washing machines (Implementing Measures) Regulations, 2011.

(3) These regulations shall not apply to:

(a) Second hand products;

(b) Any means of transport for persons or goods;

(c) The rating plate or its equivalent affixed for safety purposes to products.

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

“dealer” means a retailer or other person who sells, hires, offers for hire-purchase or displays products to end-users;

“direct impact” means the impact of products that actually consume energy during use;

“the Commission” means the European Commission;

“Technical Regulations Division” means the Technical Regulations Division of the Malta Competition and Consumer Affairs Authority as established by the Malta Competition and Consumer Affairs Authority Act of 2011;

Act VI of 2011.

“energy-related product” or “product” means any good having an impact on energy consumption during use, which is placed on the market and/or put into service in the Union, including parts intended to be incorporated into energy-related products covered by the Directive which are placed on the market and/or put into service as individual parts for end-users and of which the environmental performance can be assessed independently;

“fiche” means a standard table of information relating to a product;

“implementing regulations” are the regulations listed in sub-regulation 2(2), hereto;

“indirect impact” means the impact of products that do not consume energy, but contribute to energy conservation during use;

“label” means the energy label as specified in the respective implementing regulation;

“OJ” means the Official Journal of the European Union;

“other essential resources” means water, chemicals or any other substance consumed by a product in normal use;

“placing on the market” means making a product available for the first time on the Union market with a view to its distribution or use within the Union whether for reward or free of charge and irrespective of the selling technique;

“putting into service” means the first use of a product for its intended purpose in the Union;

“supplementary information” means other information concerning the performance and features of a product which relate to, or are helpful in evaluating, its use of energy or other essential resources based on measurable data;

“supplier” means the manufacturer or its authorised representative in the Union or the importer who places or puts into service the product on the Union market. In their absence, any natural or legal person who places on the market or puts into service products covered by this Directive shall be considered a supplier;

“unauthorised use of the label” means the use of the label, other than by Member State authorities or EU institutions, in a manner not provided for in these regulations and implementing regulations;

“the Union” means the European Union.

Placing on the market and putting into service.

4. (1) No person shall place on the market an energy related product which does not comply with the provisions of these regulations and the relevant implementing regulations.

(2) No person shall put into service an energy related product which does not comply with the provisions of these

regulations and the relevant implementing regulations, when this is provided for in the relevant implementing regulation.

(3) The placing on the market of products which are covered by and comply with these regulations and implementing regulation shall not be prohibited, restricted or impeded.

(4) In the absence of evidence to the contrary the labels and fiches shall be considered as complying with the requirements of these regulations.

5. (1) Information relating to the consumption of electric energy, other forms of energy and where relevant other essential resources during use, and supplementary information of a product shall be in accordance with the implementing regulations.

Information
requirements.

(2) The information referred to in sub-regulation (1) hereof above shall be brought to the attention to end-users by means of a fiche and a label related to the product offered for sale, hire, hire-purchase, or displayed to end users directly or indirectly by any means of distance selling, including the internet.

(3) The information referred to in sub-regulation (1) hereof shall only be provided in respect of built-in products or installed products only where required by the applicable implementing regulation.

(4) Any advertisement for a specific model of energy-related product covered by an implementing regulation shall include where energy-related or price information is disclosed a reference to the energy efficiency class of the product.

(5) Any technical promotional material concerning energy-related products which describes the specific technical parameters of a product, namely technical manuals and manufacturers' brochures, whether printed or online shall be provided to end-users with the necessary information regarding energy consumption or shall include reference to the energy class of the product.

(6) The display of other labels, marks, symbols or inscriptions which do not comply with the requirements of these regulations and the relevant implementing regulations is prohibited, if such display is likely to mislead or confuse end-users with respect to the consumption of energy or, where relevant, other essential resources during use.

Obligations of
suppliers.

6. (1) Suppliers shall supply a label and a fiche in accordance with these regulations and the applicable implementing regulations for products they place on the market or put into service.

(2) (a) Suppliers shall produce technical documentation which is sufficient to enable the accuracy of the information contained in the label and the fiche to be assessed. That technical documentation shall include:

(i) a general description of the product;

(ii) where relevant, the results of design calculations carried out;

(iii) test reports, where available, including those carried out by relevant notified organisations as defined under other Union legislation;

(iv) where values are used for similar models, the references allowing identification of those models.

(b) To this end suppliers may use documentation already established in accordance with requirements laid down in relevant Union legislation.

(3) (a) Suppliers shall make the technical documentation available for inspection purposes for a period ending five years after the last product concerned was manufactured.

(b) Suppliers shall make available an electronic version of the technical documentation on request to the Technical Regulations Division and to the Commission within 10 working days on receipt of a request by the Technical Regulations Division or the Commission.

(4) Suppliers shall provide the necessary labels free of charge to dealers.

Without prejudice to the suppliers' choice of system for delivery of labels, suppliers shall promptly deliver the labels mentioned in sub-paragraph above following a request from dealers.

(5) Suppliers shall provide, in addition to the label, a product fiche. The fiche shall be included in all product brochures.

Where product brochures are not provided by the supplier, the supplier shall provide fiches with other literature provided with the product.

(6) Suppliers shall be responsible for the accuracy of the labels and the fiches that they supply.

(7) Suppliers shall be considered to have given consent to the publication of the information provided on the label or in the fiche.

7. (1) Dealers shall display labels properly, in a visible and legible manner, and make the fiche available in the product brochure, or other literature that accompanies products when sold to end-users. Obligations of dealers.

(2) Dealers shall ensure that whenever a product covered by an implementing regulation is displayed the appropriate label is attached, in the clearly visible position, specified in the applicable implementing regulation. The label shall be in the English or Maltese version.

8. Where products are offered for sale, hire or hire-purchase by mail order, by catalogue, through the Internet, telemarketing or by any other means which imply that the potential end-user cannot be expected to see the product displayed, the end users shall be provided with the information specified on the label for the product and in the fiche as specified in the implementing regulations. Distance selling and other forms of selling.

9. (1) When the Technical Regulations Division has reason to suspect that the information on the label or fiche of a product is incorrect he shall request the supplier to forward the evidence within the meaning of regulation 6 hereof concerning the accuracy of the information supplied on their labels or fiches. Non-compliance.

(2) In the event of non-compliance to these regulations and the relevant implementing regulations, including unauthorised use of the label, the Technical Regulations Division shall require the supplier or dealer to put an end to the non-compliance.

(3) Where there is sufficient evidence that a product may be non-compliant to these regulations and the relevant

implementing regulations, or in the case of unauthorized use of the label, the Technical Regulations Division shall take the necessary preventive measures at ensuring compliance within a precise time frame taking into account the damage caused.

(4) Where the non-compliance, including unauthorized use of the label continues, the Technical Regulations Division shall take a decision as to:

- (a) restrict the placing on the market of the product, or;
- (b) prohibit the placing on the market of the product, or;
- (c) prohibit the putting into service of the product, or;
- (d) withdraw the product from the market.

In the instances described by sub-paragraphs (b) and (d) above the Technical Regulations Division shall immediately inform the Commission and the other Member States.

(5) The Technical Regulations Division shall submit a report to the Commission including details about the enforcement activities being undertaken in Malta and the level of compliance in Malta.

Penalties.

10. The penalties as provided by the Product Safety Act shall apply in respect of the infringement of these regulations.

Revokes
L.N. 99 of 2002.

11. The Indication by Labeling and Standard Product Information of the Consumption of Energy and other Resources by Household Appliances Regulations, 2002 are hereby being revoked.

Saving.

12. References to the revoked regulations shall be construed as references to these regulations.

