

S.I. No. 122/1995:
EUROPEAN COMMUNITIES (ENERGY LABELLING OF HOUSEHOLD ELECTRIC REFRIGERATORS AND FREEZERS) REGULATIONS, 1995.

I, MICHAEL LOWRY, Minister for Transport, Energy and Communications, in exercise of the powers conferred on me by Section 3 of the European Communities Act, 1972 (No. 27 of 1972), and for the purpose of giving effect to Commission Directive 94/2/EC of 21 January, 1994 and to Council Directive 92/75/EEC of 22 September, 1992, in so far as it applies to household appliances to which the Commission Directive aforesaid applies, hereby make the following Regulations:—

1. (1) These Regulations may be cited as the European Communities (Energy Labelling of Household Electric Refrigerators and Freezers) Regulations, 1995.

(2) These Regulations shall come into operation on the seventh day after the date of their making.
2. (1) In these Regulations—

"appliance" has the meaning assigned to it by Regulation 3;

"authorised officer" shall be construed in accordance with Regulation 9 (1);

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

"fiche" means a product fiche complying with Schedule 2 and the Directives;

"label" means a label complying with Schedule 1 and the Directives but does not include a rating plate or its equivalent affixed for safety purposes to an appliance;

"supplier" means the manufacturer of an appliance or his authorised representative in the Community or the person who places an appliance on the Community market;

(1)O.J. No. L45, 17.2.94, p.1.

(2)O.J. No. L297, 13.10.92, p.16.

"the Commission Directive" means Commission Directive 94/2/EC of 21 January, 1994;

"the Council Directive" means Council Directive 92/75/EEC of 22 September, 1992;

"the Directives" means the Commission Directive and the Council Directive;

"the Minister" means the Minister for Transport, Energy and Communications.

(2) A word or expression that is used in the Council Directive or the Commission Directive and is also used in these Regulations shall, unless the contrary intention appears, have in these Regulations the meaning that it has in the Council Directive or the Commission Directive, as the case may be.

(3) In these Regulations—
 - (a) a reference to a Regulation is to a Regulation of these Regulations;
 - (b) a reference to a paragraph is to the paragraph of the Regulation in which the reference occurs;
 - (c) a reference to a Schedule is to a Schedule of these Regulations.
3. In these Regulations "appliance" means an electric mains operated household refrigerator, frozen food storage cabinet or food freezer or a combination thereof but does not include—
 - (a) an appliance that may also use other energy sources such as batteries,

(b) a second-hand appliance, or

(c) an appliance of which production has ceased before the 1st day of January, 1995,

and appliances shall be divided into the categories specified in Schedule 4.

4. (1) A supplier shall not place an appliance on the market unless—

(a) either—

- (i) he provides a fiche in a product brochure with the appliance, or
- (ii) he supplies a fiche with other literature provided with the appliance,

(b) he supplies a label with the appliance, and

(c) he has established technical documentation in the English language version in relation to the appliance sufficient to enable the accuracy of the information contained in the label and the fiche 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 appliance, concerned,

(c) information (including any relevant drawings) on the main design features of the appliance and, in particular, items that appreciably affect its energy consumption,

(d) the results of any relevant design calculations,

(e) reports of any relevant measurement tests carried out in accordance with the harmonised standards referred to in Article 1.2 of the Commission Directive,

(f) where values are derived from those obtained for similar appliances, the same information for the appliance, and

(g) any instructions for operating the appliance.

(3) A supplier shall make the documentation specified in paragraph (2) available to authorised officers for the purpose of their functions for a period of 5 years after the last appliance concerned was manufactured.

(4) A supplier may, for the purpose of establishing the documentation aforesaid, use documentation already required on the basis of relevant Community legislation.

(5) A supplier shall be deemed to have given his consent to the publication of the information given on a label or fiche supplied by him.

(6) A supplier shall ensure that—

(a) the information on a label or fiche supplied by him is accurate, and

(b) when the supply by him of labels is requested by a dealer for the purpose of the display of appliances, that the labels are delivered promptly to the dealer.

(7) A supplier shall supply free of charge to a dealer labels required by the dealer for the purpose of the display of appliances.

(8) A supplier may choose his own system for the delivery of labels to dealers.

5. A dealer shall not offer an appliance for sale, hire or hire-purchase or display it to end-users unless—

(a) a label, in the English language version, has been placed on the outside of the front or top of the appliance in such a way as to be clearly visible and not obscured,

(b) a fiche, in the English language version, is supplied with the appliance and is available for inspection by end-users before a sale or an agreement for hire or hire-purchase is concluded.

6. (1) Where a dealer offers an appliance for sale, hire or hire-purchase by means of a printed communication, such as a mail order or other catalogue, in circumstances that imply that the potential customer cannot be expected to see the appliance displayed, the dealer shall ensure that the printed communication complies with Schedule 3, is in the English language version and complies with the Directives.

(2) Paragraph (1) shall not apply in relation to an appliance offered for sale, hire or hire-purchase by a dealer during the period ending on the 1st day of July, 1995, if the dealer shows to the satisfaction of the Court that the communication referred to in that paragraph for the appliance was printed before

the 1st day of January, 1995, and that he or she has been unable to obtain or, as the case may be, produce the information specified in Schedule 3.

7. A label or fiche shall be deemed to comply with these Regulations and the Directives unless there is evidence to the contrary.
8. (1) Subject to paragraph (2), a person who displays labels, marks, symbols or inscriptions relating to energy consumption which do not comply with the requirements of the Council Directive (in so far as it relates to appliances) or the Commission Directive shall be guilty of an offence if the display is likely to mislead or confuse.

(2) Paragraph (1) does not apply to displays for the purpose of Community or national environmental labelling schemes.
9. (1) The Minister may appoint such and so many persons as he may determine to be authorised officers for the purposes of these Regulations and a person so appointed is referred to in these Regulations as "an authorised officer".

(2) An authorised officer may, at all reasonable times, on production, if so requested by any person affected, of his warrant of appointment—
 - (a) enter any premises or other place or any vehicle if he reasonably believes that an appliance is kept therein or thereon for the purpose of being placed on the market;
 - (b) inspect the premises or other place or the vehicle;
 - (c) carry out or have carried out such examinations, tests, inspections and checks of any appliances found there as he reasonably considers to be necessary for the purposes of his functions and, if he so thinks fit, remove or have removed from there any appliance and retain the appliance for a reasonable period to facilitate such testing;
 - (d) require any person on or at the premises or other place or the vehicle to give to the officer any information in the person's power or control that the officer may reasonably require and to produce to him any records (in whatever form kept) or books or documents (including labels and fiches) that are in the person's power or control,
 - (e) inspect and copy or extract information from any data (within the meaning of the Data Protection Act, 1988) found by or produced to the officer under this Regulation,
 - (f) inspect and take copies of, or of extracts from, any records (in whatever form kept), books or documents (including labels and fiches) found by or produced to the officer under this Regulation.
(3) If an authorised officer has reason to suspect that the information on a label or fiche is inaccurate, he may require the supplier concerned to furnish evidence (including technical documentation referred to in Regulation 4 (1)) concerning its accuracy.

(4) A person who obstructs or impedes an authorised officer in the exercise of a power, or without reasonable excuse, does not comply with a requirement of an authorised officer, under these Regulations or who in purported compliance with such a requirement gives information to an authorised officer that he knows to be false or misleading in a material respect shall be guilty of an offence.
10. (1) A person who contravenes a provision of these Regulations or the Directives shall be guilty of an offence.

(2) A person guilty of an offence under these Regulations shall be liable on summary conviction to—
 - (a) a fine not exceeding £1,500, or
 - (b) imprisonment for a term not exceeding 6 months,or to both.

(3) Where an offence under these Regulations is committed by a body corporate and is proved to have been so committed with the consent or connivance of, or to be attributable to any neglect on the part of, any person, being a director, manager, secretary or other officer, of such a body, or a person who was purporting to act in any such capacity, that person, as well as the body corporate, shall be guilty of an offence and shall be liable to be proceeded against and punished as if he were guilty of the first-mentioned offence.

11. Proceedings for an offence under these Regulations may be brought by the Minister.
12. (1) These Regulations shall not apply in relation to an appliance supplied to a dealer before the 1st day of July, 1995, if the dealer shows to the satisfaction of the Court that he was unable, or did not have a reasonable opportunity, to obtain a label or, as the case may be, a fiche, in respect of the appliance, in the English language version that is in compliance with the Council Directive and the Commission Directive.

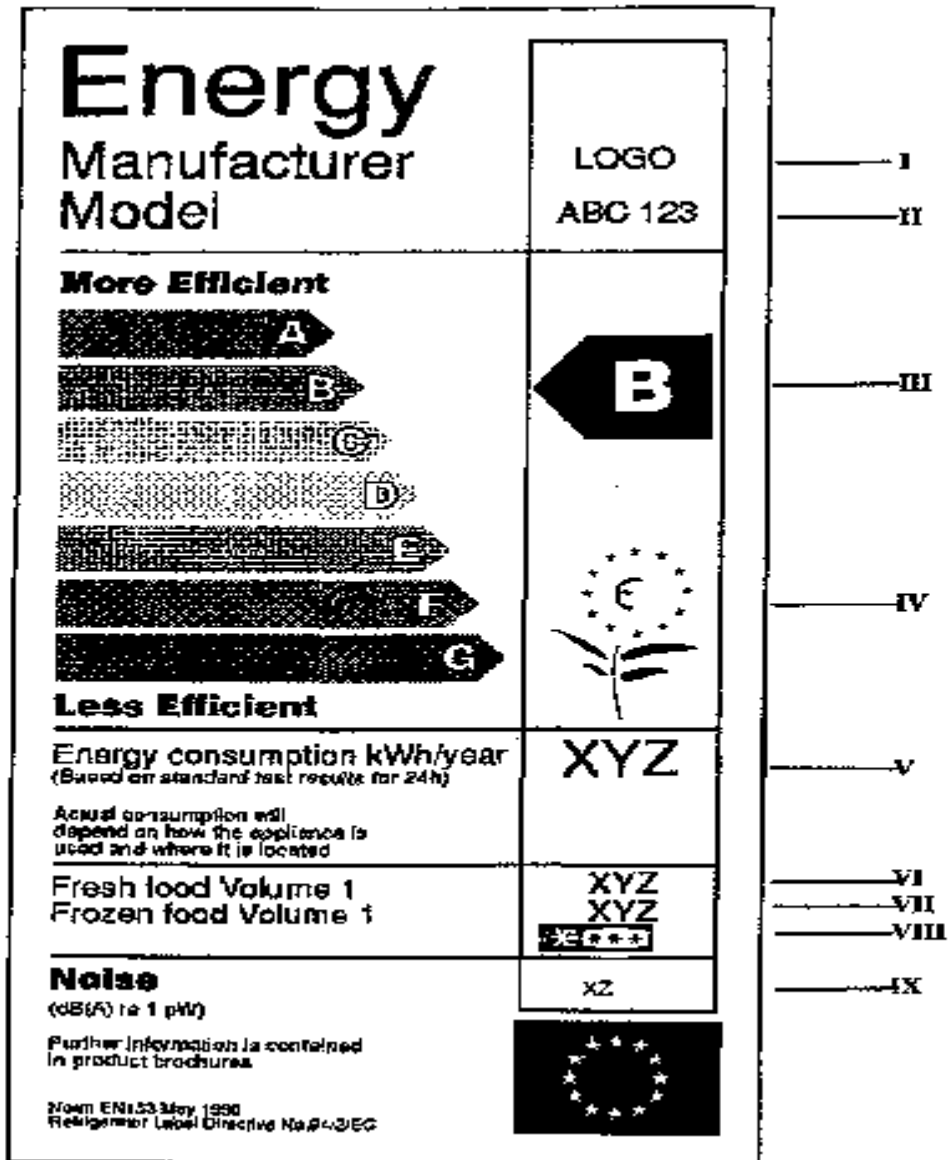
(2) Where, as respects an appliance supplied by a supplier (whether to a dealer or another person) before the 1st day of July, 1995, the supplier provides a product brochure but shows to the satisfaction of the Court that he was unable, or did not have a reasonable opportunity, to insert a fiche into the brochure, the supplier shall be deemed to have complied with Article 3.2 of the Council Directive if he provides with the brochure a fiche in the English language version that is in compliance with the Council Directive and the Commission Directive.

SCHEDULE 1

THE LABEL

Label design

1. The label shall be in accordance with the following illustrations:



Notes on label

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

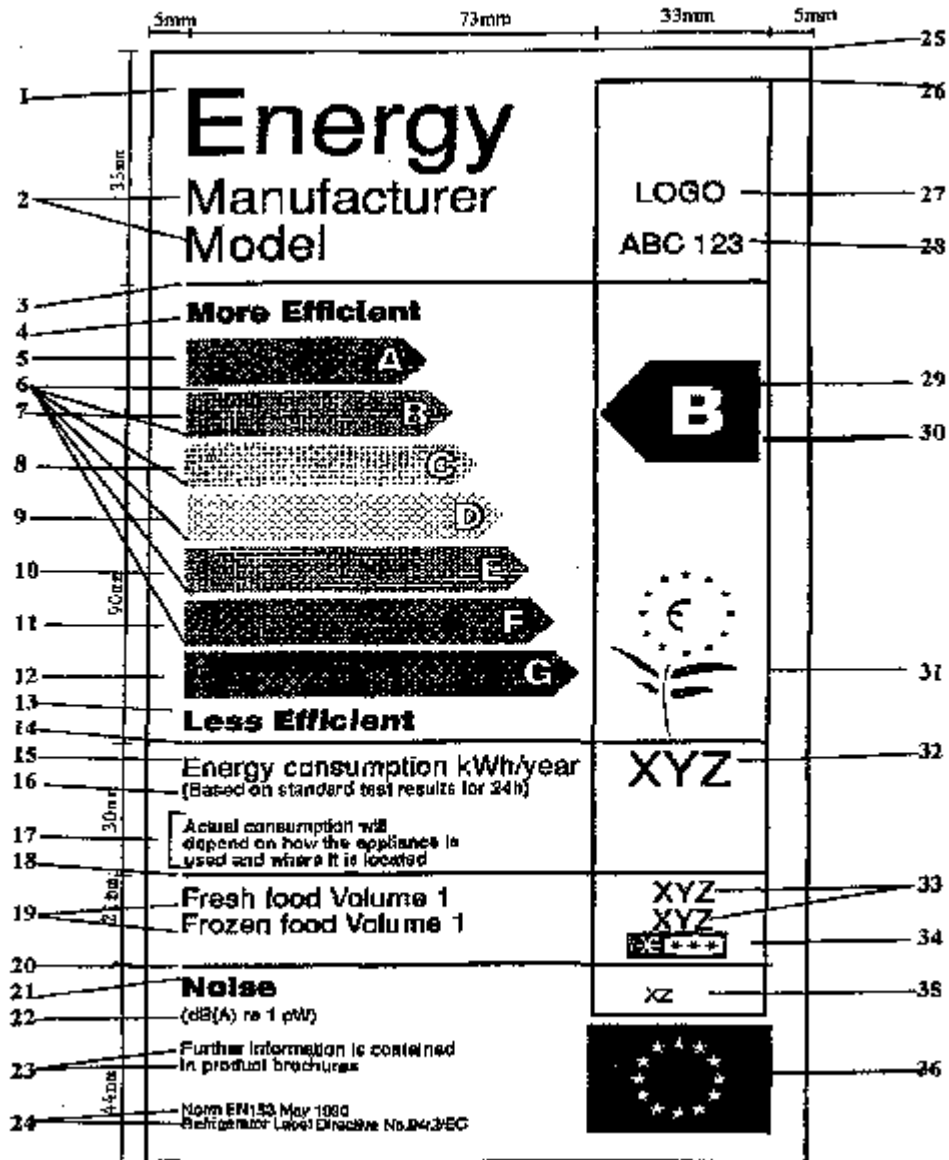
Note:

- I. Supplier's name or trade mark.
- II. Suppliers model identifier.
- III. The energy efficiency class of an appliance shall be determined in accordance with Schedule 5. The appropriate letter shall be placed at the same level as the relevant arrow.
- IV. Without prejudice to any requirements under the Community Eco-label award scheme, where an appliance has been granted a 'Community Eco-label award' pursuant to Council Regulation (EEC) No. 880/92(1) a copy of the Eco-award mark (the flower) may be added here. The 'refrigerator/freezer label design guide' referred to below, explains how the Eco-award mark, may be included in the label.
- V. Energy consumption in accordance with the harmonised standards but expressed in kWh per year (i.e. per 24 hours x 365).
- VI. Sum of net storage volume of all compartments that do not merit a star rating (i.e. operating temperature > -6 °C).
- VII. Sum of net storage volume of all frozen food storage compartments which merit a star rating (i.e. operating temperature ≤ -6 °C).
- VIII. Star rating of frozen food storage compartment, in accordance with the harmonised standards. Where this compartment does not merit any stars, this position shall be left blank.
- IX. Where applicable noise measured in accordance with Directive 86/594/EEC.

(1) O.J. No. L99, 11.4.1992, P.1.

Printing

1. The following defines certain aspects of the label.



Label Design Guide.

The following guide sets out the position, colour, font, and size of type for the Refrigerator/Freezer label as defined in Commission Directive No. 94/2/EC of 21 January 1994 (OJ 45, 17.2.94 P.1.). In each language version the wording and line breaks are as defined in the above Directive, and as reproduced here.

Type sizes are indicated in points PICA.

Colours used: C M Y K — Cyan, Magenta, Yellow, Black.

All text is in black.

The co-ordinates (x, y) refer to the top left hand corner of the rectangle enclosing the object, and are relative to the top left hand corner of the outline of the label (point 25).

1. Helvetica Heavy (85) — 34 pt. — x:5 mm; y:6 mm.
2. Helvetica Regular (55) — 16 pt.— Leading 18 pt — x:5 mm; y:17 mm.
3. Line — 1 pt.— Colour Black — x:5 mm; y:35 mm to x:111 mm; y:35 mm.

4. Helvetica Bold (75) — 16pt — x:5 mm; y:37 mm.
5. Box: width 35 mm — height 9 mm — angle 45° — x:5 mm; y:44 mm — Colours: 100% C; 0% M; 100% Y; 0% K.
Type: Helvetica Heavy (85) — Outline — 24 pt — x:36 mm; y:45 mm.
6. Gap — 1.5 mm.
7. Box: width 40 mm — height 9 mm — angle 45° — x:5 mm; y:54.5 mm — Colours: 70% C; 0% M; 100% Y; 0% K.
Type: Helvetica Heavy (85) — Outline — 24 pt — x:39.5 mm; y:55.5 mm.
8. Box: width 45 mm — height 9 mm — angle 45° — x:5 mm; y:65 mm — Colours: 30% C; 0% M; 100% Y; 0% K.
Type: Helvetica Heavy (85) — Outline — 24 pt — x:44 mm; y:66 mm.
9. Box: width 50 mm — height 9 mm — angle 45° — x:5 mm; y:75.5 mm — Colours: 0% C; 0% M; 100% Y; 0% K.
Type: Helvetica Heavy (85) — Outline — 24 pt — x:49 mm; y:76.5 mm.
10. Box: width 55 mm — height 9 mm — angle 45° — x:5 mm; y:86 mm — Colours: 0% C; 30% M; 100% Y; 0% K.
Type: Helvetica Heavy (85) — Outline — 24 pt — x:55 mm; y:87 mm.
11. Box: width 60 mm — height 9 mm — angle 45° — x:6 mm; y:96.5 mm — Colours: 0% C; 70% M; 100% Y; 0% K.
Type: Helvetica Heavy (85) — Outline — 24 pt — x:60.5 mm; y:97.5 mm.
12. Box: width 65 mm — height 9 mm - angle 45° — x:5 mm; y:107 mm — Colours: 0% C; 100% M; 100% Y; 0% K.
Type: Helvetica Heavy (85) — Outline — 24 pt — x:64 mm; y:108 mm.
13. Helvetica Bold (76) — 16 pt — x:5 mm; y: 118 mm.
14. Line — 1 pt — Colour Black — x:5 mm; y:125 mm to x:111 mm; y:125 mm.
15. Helvetica Regular (55) — 15 pt — x:5 mm; y:127 mm.
16. Helvetica Italic (56) — 9 pt — Leading 10 pt — x:5 mm; y:133 mm.
17. Helvetica Regular (22) — 9 pt — Leading 10 pt — x:5 mm; y: 143 mm.
18. Line — 1 pt — Colour Black — x:6 mm; y:155 mm to x:111 mm; y:155 mm.
19. Helvetica Regular (55) — 16 pt — Leading 17 pt — x:5 mm; y:167 mm.
20. Line — 1 pt — Colour Black — x:5 mm; y:176 mm to x:111 mm; y:176 mm.
21. Helvetica Bold (75) — 16pt — x:5 mm; y:178 mm.
22. Helvetica Regular (55) — 12 pt — x:5 mm; y:184 mm.
23. Helvetica Regular (55) — 9 pt — Leading 10 pt — x:5 mm; y:192 mm.
24. Helvetica Regular (55) — 7 pt — Leading 8 pt — x:5 mm; y:208 mm.
25. Rectangle: width 116 mm — height 220 mm — x:0 mm; y:0 mm — Frame: 1.5 pt — Colours: 100% C; 0% M; 70% Y; 0% K.
26. Box: width 33 mm — height 175 mm — x: 78 mm; y:10 mm — Frame: 1 pt — Colour Black.

27. Box: width 33 mm — height 25 mm — x:78 mm; y:10 mm — Containing supplier's name or trade mark (see note I)*.
 28. Box: width 33 mm — height 25 mm — x:78 mm; y:10 mm — Containing supplier's model identifier (see note II)*.
 29. Helvetica Heavy (85) — 46 pt — x:95 mm; y: vertically centred on equivalent arrow (see note III)*.
 30. Box: width 20 mm — height 18 mm — angle 45° — Colour Black — x:89 mm; y: vertically centred on equivalent arrow (see note III)*.
 31. Width 23.5 mm height 34.5 mm — x:81.5 mm; y:89 mm — In accordance with "Eco-labelling award scheme" (Council Regulation No. 880 pt; Leading 92 (EEC)), and with the supplier's "Eco-labelling" contract (see note IV)*.
 32. Helvetica Bold (75) — 34 pt — x: centred on 94.5 mm; y:127 mm.
 33. Helvetica Regular (55) — 15 pt — Leading 17 pt— x: centred on 94.5 mm; y:158 mm.
- *These notes refer to the explanations given in Schedule I.
34. Width as applicable — height 5.5 mm — x: centred on 94.5 mm; y:169 mm— Star rating symbol (if applicable) in accordance with ISO standards referred to in EN 153 (see note VIII)*.
 35. Helvetica Regular (55) —15 pt — x: centred on 94.5 mm; y:179.5 mm.
 36. Width 33 mm — height 23.5 mm — x:78 mm; y:189 mm — European flag in accordance with Commission's graphic manual.

*These notes refer to the explanations given in Schedule I.

SCHEDULE 2

THE FICHE

The fiche shall contain the following information. The information may be given in the form of a table covering a number of appliances supplied by the same supplier, in which case it shall be given in the order specified, or given in the description of the appliance:

1. Supplier's name or trade mark.
2. Supplier's model identifier.
3. Type of appliance as follows:

Category (#)	Description in fiche
1	Larder fridge.
2	Refrigerator/chiller.
3	Refrigerator.
4	Refrigerator.
5	Refrigerator.
6	Refrigerator.
7	Fridge/freezer.
8	Upright freezer.
9	Chest freezer.

For category 10 appliances, the supplier may choose its description of the type of appliance.

(#) Full description of categories in Schedule 4.

4. The energy efficiency class of the model as defined in Schedule 5, expressed as 'Energy efficiency class ... on a scale of A (most efficient) to G (least efficient)'. Where this information is provided in a table this may be expressed by other means provided it is clear that the scale is from A (most efficient) to G (least efficient).
5. Where the information is provided in a table, and where some of the appliances listed in the table have been granted a 'Community Eco-label award' under Regulation (EEC) No 880/92, this information may be included here. In this case the row heading shall state 'Community Eco-label award', and the entry shall consist of a copy of the Eco-award mark (the flower). This provision is without prejudice to any requirements under the Community Eco-label award scheme.
6. Energy consumption in accordance with EN 153 of May, 1990 but expressed in kWh per year (i.e. per 24 hours x 365), described as: 'energy consumption XYZ kWh per year, based on standard test results for 24 h. Actual energy consumption will depend on how the appliance is used and where it is located.
7. Net storage volume of fresh food storage compartment (5°C) in accordance with the harmonised standards — omit for classes 8 and 9.
8. Net storage volume of frozen food storage compartment, in accordance with the harmonised standards — omit for classes 1, 2 and 3. For class 3 appliances the net volume of the 'ice box'.

7/8. For classes 2 and 10 the net volume of each compartment should be listed, in accordance with the harmonised standards.
9. Star rating of frozen food storage compartment, if any, in accordance with the harmonised standards.
10. The mention 'no frost' may be included here when in accordance with the definitions given in the harmonised standards.
11. 'Power cut safe Zh' defined as 'temperature rise time' in accordance with the harmonised standards.
12. 'Freezing capacity' in kg/24 h in accordance with the harmonised standards.
13. 'Climate class' in accordance with the harmonised standards. Where appliance is of 'temperate' climate class this may be omitted.
14. 'Noise', where applicable, measured in accordance with Directive 86/594/EEC.

Where an appliance contains compartments other than a single fresh food compartment and a single frozen food compartment, extra lines may be added at 7, 8, 9, 10, 11, 12 and 13 to include the information in respect of these compartments. In this case the naming and order of listing of the compartments shall be consistent. Where the design temperature of a compartment does not conform to the star rating system, or the standard fresh food compartment temperature (5°C), this design temperature shall be given.

The information contained in the label may be given in the form of a copy of the label, either in colour or in black and white. In this case the further information given only in the fiche must still be included.

SCHEDULE 3

MAIL ORDER AND OTHER DISTANCE SELLING

Mail order catalogues and other printed communications referred to by Article 2 (5) of this Directive shall contain the following information, given in the order specified:

1. Energy efficiency class (point 4).
2. Energy consumption (point 6).
3. Net volume of fresh food compartment (point 7).
4. Net volume of frozen food compartment (point 8).
5. Star rating (point 9).
6. Noise (point 14).

Where other information contained in the product information fiche is provided, it shall be in the form defined in Schedule 2 and shall be included in the above list in the order specified for the fiche.

The size and font, in which all the information referred to above is printed, shall be legible.

SCHEDULE 4

CATEGORIES

The appliances covered by this Directive shall be divided into the following 'categories':—

1. Household refrigerators, without low temperature compartments.
2. Household refrigerator chillers, with compartments at 5 °C and/or 10 °C.
3. Household refrigerators, with no-star low temperature compartments.
4. Household refrigerators, with low temperature compartments*.
5. Household refrigerators, with low temperature compartments**.
6. Household refrigerators, with low temperature compartments***.
7. Household refrigerator/freezers, with low temperature compartments*(***).
8. Household food freezers, upright.
9. Household food freezers, chest.
10. Household refrigerators and freezers with more than two doors, or other appliances not covered above.

SCHEDULE 5

ENERGY EFFICIENCY CLASS

The energy efficiency class of an appliance shall be determined in accordance with the following Table 1:—

TABLE 1

Energy efficiency index 1	Energy efficiency class
$\leq 1 < 55$	A
$55 \leq 1 < 75$	B
$75 \leq 1 < 90$	C
$90 \leq 1 < 100$	D
$100 \leq 1 < 110$	E
$110 \leq 1 < 125$	F
$125 \leq 1$	G

Where:

'energy efficiency index' (expressed as a percentage) = annual energy consumption of appliance(1)/(standard annual energy consumption of appliance)

'standard annual energy consumption of appliance' (expressed in kWh/year = M x adjusted net volume + N

and

adjusted net volume (expressed in litres) = net volume of fresh food compartment + W x net volume of frozen food compartment.

(1) In accordance with Schedule 1, note 2.V.

The values of M, N and W are taken from Table 2.

TABLE 2

Class of appliance		M	N
1 Larder fridge	—	0.233	245
2 Refrigerator/chiller	0.75 ⁽¹⁾	0.233	245
3 Refrigerator no star	1.25	0.233	245
4 Refrigerator*	1.55	0.643	191
5 Refrigerator**	1.85	0.450	245
6 Refrigerator***	2.15	0.657	235
7 Fridge/freezer*(***)	⁽³⁾	0.777	303
8 Upright freezer	2.15 ⁽²⁾	0.472	286
9 Chest freezer	2.15 ⁽²⁾	0.446	181
10 Multi-door or other appliances	⁽³⁾	(4)	(4)

(1) For refrigerator/chillers the adjusted volume = net volume of fresh food compartment + W x net volume of chiller (10°C) compartment (expressed in litres).

(2) For 'no frost' appliances as defined in Schedule 2, point 10, this index is increased by a provisional factor of 1.2, giving a value of 2.58. (This allows for the possible bias of the measurement method, which does not allow for the lack of ice build up on 'no frost' appliances. In practical use ice build up will somewhat increase the consumption of 'conventional' appliances).

(3) Adjusted net volume AV is calculated by the formula:—

$$AV = \sum \frac{(25 - T_c)}{20} \times V_c \times F_c$$

all compartments

Where T_c is design temperature (in °C) of each compartment, V_c is the net volume (in litres) of each compartment, and F_c is a factor which equals 1.2 for 'no frost' compartments and 1 for other compartments.

- (4) For these appliances the values of M and N will be determined by the temperature and star rating of the compartment with the lowest temperature, as follows:—

TABLE 3

Temperature of coldest compartment	Equivalent class	M	N
> - 6°C	½/3/ Larder fridge/no star refrigerator/refrigerator chiller	0.233	245
<= - 6°C*	4 Refrigerator(*)	0.643	191
<= - 12°C**	5 Refrigerator(**)	0.450	245
<= - 18°C***	6 Refrigerator(***)	0.657	235
<= - 18°C*(****) with freezing capacity	7 Fridge/freezer*(****)	0.777	303

GIVEN under my Official Seal, this 10th day of May, 1995.

MICHAEL LOWRY,
Minister for Transport, Energy and Communications.

EXPLANATORY NOTE.

The purpose of the Regulations is to give legal effect to Commission Directive 94/2/EC of 21 January, 1994 and Council Directive 92/75/EEC of 22 September, 1992 in so far as it relates to household electric refrigerators, freezers and their combinations.

These Regulations come into operation seven days after the date on which they are signed and apply to electric mains operated household refrigerators, frozen food storage cabinets, food freezers and their combinations. Appliances that may also use other energy sources such as batteries, used appliances and appliances of which production has ceased before 1st January, 1995 are excluded.

The Regulations prohibit the placing on the market, for sale, hire or reward, of an appliance unless accompanied by information relating to the consumption of electric energy in addition to some supplementary information. This information is to be conveyed to the customer by means of a specified label and an associated fiche (product information notice). The Regulations place the onus for the accuracy of the labels and fiches on the suppliers, who will also be required to establish technical documentation sufficient to enable the accuracy of the information contained in the labels and the fiches to be assessed.

Provision is made for the appointment and powers of authorised officers and penalties for offences under the Regulations, in addition to a transitional period to facilitate those who have been unable or have not had a reasonable opportunity to comply with the Regulations.

These Regulations may be purchased from the Government Publications Sales Office, Molesworth Street, Dublin 2.

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