



STATUTORY INSTRUMENTS.

**S.I. No. 203 of 2011**



EUROPEAN UNION (ECODESIGN REQUIREMENTS FOR CERTAIN  
ENERGY-RELATED PRODUCTS) REGULATIONS 2011

**(Prn. A11/0677)**

## EUROPEAN UNION (ECODESIGN REQUIREMENTS FOR CERTAIN ENERGY-RELATED PRODUCTS) REGULATIONS 2011

I, RICHARD BRUTON, Minister for Enterprise, Trade and Innovation, 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 Directive 2009/125/EC<sup>1</sup> of the European Parliament and of the Council of 21 October 2009 hereby make the following regulations:

*Citation*

1. These Regulations may be cited as the European Union (Ecodesign Requirements for Certain Energy-related Products) Regulations 2011.

*Interpretation*

2. (1) In these Regulations—

“applicable implementing measure” in relation to a listed product, means the implementing measure relating to the listed product which is specified in column 3 of the Schedule opposite the reference to the listed product concerned in column 2 of that Schedule;

“authorised officer” means a person appointed under Regulation 18;

“Directive” means Directive 2009/125/EC<sup>1</sup> of the European Parliament and of the Council of 21 October 2009 establishing a framework for the setting of eco-design requirements for energy-related products;

“European Union” has the same meaning as it has in the European Communities Act 1972;

“listed product” shall be construed in accordance with Regulation 3;

“market surveillance authority” shall be construed in accordance with Regulation 11;

“Member State” means a state that is a member of the European Union or a state that is a party to the agreement on the European Economic Area signed at Oporto on 2 May 1992, as adjusted by the protocol done at Brussels on 17 March 1993;

“Minister” means the Minister for Communications, Energy and Natural Resources.

<sup>1</sup>OJ No. L285, 31.10.2009, p.10

*Notice of the making of this Statutory Instrument was published in “Iris Oifigiúil” of 6th May, 2011.*

(2) A word or expression that is used in these Regulations and is also used in—

- (a) the Directive, or
- (b) an implementing measure,

has, unless the context otherwise requires, the same meaning as it has in the Directive or the implementing measure.

*Application*

3. These Regulations apply, in accordance with the Directive, to an energy-related product specified in column 2 of the Schedule, and which in these Regulations shall be referred to as a “listed product”.

*Restriction on energy-related product*

4. (1) A manufacturer or an authorised representative shall not place a listed product on the market or put a listed product into service unless the listed product—

- (a) complies with the applicable implementing measure, and
- (b) bears the CE marking.

(2) A person who contravenes paragraph (1) shall be guilty of an offence.

*Conformity assessment, marking and declaration of conformity*

5. (1) A manufacturer or an authorised representative shall not place a listed product on the market or put a listed product into service unless the manufacturer or authorised representative complies with this Regulation.

(2) In relation to a listed product, the manufacturer or the authorised representative shall carry out or cause to be carried out an assessment of the product to assess if the product conforms to the applicable implementing measure.

(3) The conformity assessment procedure to be followed where an assessment under paragraph (2) is carried out shall be that procedure required under the applicable implementing measure.

(4) In carrying out the conformity assessment of the listed product the manufacturer or the authorised representative may choose between the internal design control referred to in Annex IV of the Directive or the management system referred to in Annex V of the Directive.

(5) In relation to a listed product, if the manufacturer or the authorised representative assesses that the listed product conforms to the applicable implementing measure, the manufacturer or authorised representative shall make an EC declaration of conformity which shall refer to that implementing measure and shall contain all of the information specified in paragraphs 1 to 6 of Annex VI of the Directive.

(6) In relation to a listed product, the manufacturer or the authorised representative who has made an assessment referred to in paragraph (5) shall visibly, legibly and indelibly affix to the product concerned and, if required by the applicable implementing measure, the packaging or documentation that accompanies that product, the CE conformity marking consisting of the initials “CE” specified in Annex III of the Directive.

(7) A person who contravenes paragraph (1), (2), (3), (4), (5) or (6) shall be guilty of an offence.

#### *Consumer Information*

6. (1) Where required by an applicable implementing measure a manufacturer of a listed product shall in accordance with that measure supply the following consumer information with the product:

- (a) information on the role of the consumer in the sustainable use of the product;
- (b) the ecological profile of the product and the benefits of ecodesign.

(2) A person who contravenes paragraph (1) shall be guilty of an offence.

#### *Importer*

7. (1) Where a manufacturer of a listed product is not established in a Member State, and in the absence of an authorised representative, an importer of a listed product shall not place a listed product on the market or put a listed product into service unless the manufacturer or the authorised representative or, as the case may be, the importer has complied with Regulation 4.

(2) Where the manufacturer of a listed product is not established in a Member State and in the absence of an authorised representative Regulation 5 shall apply to an importer of the listed product as it applies to a manufacturer or an authorised representative.

(3) A person who contravenes paragraph (1) shall be guilty of an offence.

#### *Keeping documents*

8. (1) For a period of 10 years from the date on which the last item of a listed product that has been placed on the market or put into service has been manufactured, the manufacturer or, as the case may be, authorised representative or importer of the listed product shall—

- (a) keep documents relating to conformity assessment of the listed product including the declaration of conformity under Regulation 5(5),
- (b) make those documents available for inspection by an authorised officer, and
- (c) furnish those documents to an authorised officer no later than 10 days after receipt of a request in that behalf from the authorised officer.

(2) Documents referred to in paragraph (1) shall be drawn up in one or more than one of the official languages of the institutions of the European Union.

(3) A person who contravenes paragraph (1) or (2) of this Regulation shall be guilty of an offence.

*Misleading CE markings*

9. (1) A person shall not affix or cause to be affixed to a listed product or the packaging or documentation that accompanies that product, a marking which is misleading or is likely to cause a user of the product to be misled or confused as to the meaning and form of the CE marking.

(2) A person who contravenes paragraph (1) shall be guilty of an offence.

*Circumstances where displays of listed products are not restricted*

10. (1) Notwithstanding anything contained in these Regulations, a manufacturer or, as the case may be, authorised representative or importer of a listed product may display a listed product that does not conform to the relevant implementing measure provided that the manufacturer or, as the case may be, authorised representative or importer affixes or causes to be affixed to the listed product or, if required by the implementing measure for the listed product, the packaging or documentation that accompanies that product, a clearly visible notice or marking indicating that the listed product shall not be placed on the market or put into service unless or until it so conforms.

(2) For the purposes of paragraph (1) display of a listed product includes its display at a trade fair, exhibition or demonstration.

*Appointment of market surveillance authority*

11. For the purposes of these Regulations and the implementing measures the Minister is the market surveillance authority and shall have regard to Regulation (EC) No. 765/2008 of the European Parliament and of the Council of 9 July 2008<sup>2</sup>.

*Observations to the market surveillance authority*

12. (1) A consumer of a listed product and any other person who wishes to do so in relation to a listed product may submit an observation to the market surveillance authority.

(2) An observation referred to in paragraph (1) shall—

(a) be in writing,

(b) be addressed to the market surveillance authority,

(c) give the name and address of the person making the observation, and

(d) identify the listed product to which the observation refers.

<sup>2</sup>OJ No. L.218, 13.8.2008, p. 30

*Direction by market surveillance authority*

13. (1) Where the market surveillance authority forms an opinion that a listed product that bears a CE marking and is being used or is to be used for its intended use, does not conform to the applicable implementing measure, the market surveillance authority shall give a draft direction to the manufacturer or, as the case may be, authorised representative or importer of the listed product.

(2) The draft direction referred to in paragraph (1) shall advise the recipient of the forming of the opinion by the market surveillance authority, and shall inform the recipient of the intention to give a direction—

- (a) to take measures to bring the listed product to conformity to the applicable implementing measure,
- (b) to keep records of the carrying out of the measures,
- (c) where appropriate, to carry out the measures in such order specified in the draft direction as the market surveillance authority considers necessary,
- (d) to comply with requirements of the market surveillance authority in relation to monitoring and inspection by the authority, as the authority considers appropriate, and
- (e) to carry out the measures within the period specified in the draft direction.

(3) A draft direction shall specify the grounds on which it is proposed to make the direction concerned and shall inform the recipient that he or she may make submissions or observations to the market surveillance authority in relation to the draft direction not later than 14 days after the date of the draft direction.

(4) The market surveillance authority shall consider submissions or observations, if any, in relation to the draft direction made to it by the recipient and shall not more than 28 days after the expiry of the period under paragraph (3) within which submissions or observations may be made, give a direction to the manufacturer or, as the case may be, authorised representative or importer of the listed product—

- (a) confirming the draft direction,
- (b) varying the draft direction, or
- (c) withdrawing the draft direction.

(5) The market surveillance authority may at any time where it considers it appropriate or necessary having regard to the functions of the authority under these Regulations, give a draft direction amending or revoking a direction given under paragraph (4), and paragraphs (1) to (4) shall apply in relation to that draft direction.

(6) Where the recipient of a direction does not comply with the direction within the period specified in the direction the market surveillance authority may give a direction to the recipient—

- (a) not to place the listed product on the market or put it into service, or
- (b) where appropriate, to withdraw the listed product from the market or service.

(7) Where, in the opinion of the market surveillance authority the immediate ceasing of manufacture or placing on the market of a listed product is required because of the gravity of the non-compliance with the implementing measures the authority may, notwithstanding paragraphs (1) to (6) give a direction to a manufacturer, or as the case may be, authorised representative or importer of a listed product—

- (a) not to place the listed product on the market or put it into service, or
- (b) where appropriate, to withdraw the listed product from the market or service.

(8) The market surveillance authority at any time where it considers it appropriate or necessary having regard to its functions under these Regulations, may give a direction amending or revoking a direction given under paragraph (6) or (7) or under this paragraph.

(9) A direction shall—

- (a) specify the grounds upon which the direction is made,
- (b) state when it is to come into effect, and
- (c) advise the recipient of his or her right to appeal or to apply to suspend its operation.

(10) A direction shall take effect—

- (a) where the direction so provides, immediately the direction is received by the person on whom it is served,
- (b) in any other case—
  - (i) where no appeal is taken against the direction, on the expiration of the period during which such an appeal may be taken or the day specified in the direction as the day on which it is to come into effect, whichever is the later, or,
  - (ii) in case such an appeal is taken, on the day on which the direction is confirmed on appeal, or the appeal is withdrawn or the day specified in the direction as the day on which it is to come into effect, whichever is the later.

(11) A direction shall remain in force—

- (a) unless it is discharged or varied on appeal,
- (b) until the market surveillance authority revokes it, or
- (c) until the market surveillance authority issues a notice to the recipient stating that the direction has been complied with.

(12) A person who does not comply with a direction given under paragraph (4)(a) or (b), (6), (7) or (8) within the period specified in the direction shall be guilty of an offence.

*Appeal from direction*

14. (1) The bringing of an appeal against a direction which is to take effect in accordance with Regulation 13(10)(a) shall not have the effect of suspending the operation of the direction but the appellant may apply to the District Court to have the operation of the direction suspended until the appeal is disposed of and the judge, if he or she is satisfied that there are reasonable grounds for so doing in the interests of justice and having regard to the objectives of the Directive or the relevant implementing measure may direct that the operation of the direction is suspended until the appeal is disposed of.

(2) A person who is aggrieved by a direction shall—

- (a) within 14 days in relation to a direction referred to in Regulation 13(4), or
- (b) within 14 days in relation to a direction referred to in Regulation 13(6), (7) or (8),

beginning on the day on which the direction is issued to him or her, appeal against the order to a judge of the District Court in the district court district in which the direction was issued and in determining the appeal the judge may if he or she is satisfied that in the circumstances of the case it is reasonable to do so, in the interests of justice and having regard to the objectives of the Directive or the applicable implementing measure—

- (i) confirm the direction, with or without modification, or
- (ii) cancel the direction.

(3) Where, on the hearing of an appeal under this Regulation a direction is confirmed, notwithstanding paragraph (1) the judge of the District Court by whom the appeal is heard may, on the application of the appellant, suspend the operation of the direction for such period as in the circumstances of the case in the interest of justice and having regard to the objectives of the Directive or the applicable implementing measure the judge considers appropriate.

(4) The person who appeals against a direction or who applies to have the operation of the direction suspended, shall at the same time notify the market

surveillance authority of the appeal or application and the market surveillance authority shall be entitled to appear, be heard and adduce evidence on the hearing of the appeal or the application.

*Failure to comply with direction*

15. (1) Where on application by the market surveillance authority to the High Court, that court is satisfied that a person has failed or refused to comply with or disobeyed or continues to disobey a direction or part of a direction given by the market surveillance authority within the time specified in the direction the court may—

- (a) by order require the person to comply with the direction or part thereof,
- (b) make an order for the forfeiture to the market surveillance authority of the listed product to which the direction applies, and
- (c) by order make such other provision, including provision in relation to the payment of costs, as the court considers appropriate.

(2) An application for an order under this Regulation shall be by motion, and the court when considering the matter may make such interim or interlocutory orders as it considers appropriate.

(3) Where an order for forfeiture is made under paragraph (1)(b), unless otherwise ordered by the court, any listed product the subject of the order shall be seized on behalf of the market surveillance authority by an authorised officer and shall be destroyed or disposed of, and, if the court gives a direction in relation to the destruction or disposal of the product, in accordance with the direction.

(4) An application for an order under this Regulation may be made whether or not there has been a prosecution for an offence under Regulation 13 and shall not prejudice the initiation of such a prosecution.

(5) The court, in making an order under this Regulation—

- (a) shall, unless satisfied that there are special and substantial reasons for not so doing, order the person concerned to pay to the market surveillance authority the costs and expenses measured by the court, and
- (b) may make such other provision as the court considers appropriate in relation to matters such as payment of costs,

including costs incurred by the market surveillance authority in relation to the investigation of and detection of a failure or refusal to comply with a direction or part of a direction given by the authority, and costs incurred in relation to the seizure, destruction or disposal of a listed product.

*Notification of direction to Commission*

16. Where the market surveillance authority gives a direction under Regulation 13 which includes a direction not to place a listed product on the market or put it into service or to withdraw the listed product from the market or service, the authority shall inform the Commission and the appropriate authorities in Member States other than the State of the issuing of the direction, indicating the reasons for it, and, in particular, whether, in the opinion of the authority, the non-compliance is due to—

- (a) failure to satisfy the requirements of these Regulations or the applicable implementing measure,
- (b) incorrect application of the harmonised standards referred to in Article 10(2) of the Directive, or
- (c) shortcomings in the harmonised standards referred to in Article 10(2) of the Directive.

*Supplemental matters relating to directions*

17. (1) A direction given under Regulation 13 shall—

- (a) be in writing,
- (b) be served on the manufacturer or, as the case may be, the authorised representative or the importer of the listed product.

(2) A direction given under Regulation 13 shall be addressed to the manufacturer or, as the case may be, the authorised representative or the importer of the listed product and may be served on that person in one of the following ways:

- (a) by delivering it to the person;
- (b) by leaving it at the address at which the person ordinarily resides or, in a case where an address for service has been furnished, at that address;
- (c) by sending it by post in a prepaid registered letter to the address at which that person ordinarily resides or, in a case in which an address for service has been furnished, at that address;
- (d) in a case where the market surveillance authority considers that the direction should be issued immediately, by sending it by means of electronic mail or a facsimile machine, to a device or facility for the reception of electronic mail or facsimiles located at the address at which that person ordinarily resides or, in a case in which an address for service has been furnished, at that address provided that the sender's—
  - (i) facility for the reception of electronic mail generates a message confirming a receipt of the electronic mail, or

(ii) facsimile machine generates a message confirming successful transmission of the total number of pages of the direction,

and the direction is also given in one of the other ways mentioned in any of the preceding subparagraphs.

(3) For the purposes of paragraph (2), a company registered under the Companies Acts is deemed to be ordinarily resident at its registered office, and every other body corporate and every unincorporated body is deemed to be ordinarily resident at its principal office or place of business.

(4) In any proceedings a document purporting to be a direction given under Regulation 13 and to be signed by or on behalf of the market surveillance authority shall be received in evidence and deemed to be such direction, without further proof, until the contrary is shown.

*Appointment of authorised officer*

18. (1) The market surveillance authority may appoint such and so many persons to be authorised officers for the purposes of all or any of these Regulations and such appointment may be specified to be for a fixed period.

(2) Every authorised officer appointed under this Regulation shall be furnished with a warrant of appointment and shall, when exercising any power conferred on him or her by this Regulation, if requested by a person affected, produce the warrant of appointment or a copy of it to that person.

(3) An appointment under this Regulation as an authorised officer shall cease—

- (a) if the market surveillance authority revokes the appointment, or
- (b) if the appointment is for a fixed period, on the expiry of that period.

*Powers of authorised officer*

19. (1) An authorised officer shall for the purposes of these Regulations have the power to do one or more than one of the following:

- (a) subject to paragraph (5), at any time enter, inspect, examine and search any place at which the authorised officer has reasonable grounds to believe a listed product or part thereof is being manufactured or kept;
- (b) inquire into, search, examine and inspect—
  - (i) any place referred to at subparagraph (a),
  - (ii) any process being carried out at that place,
  - (iii) any listed product or part thereof at that place,
  - (iv) any records relating to a matter referred to at clause (ii) or (iii),

to ascertain whether these Regulations have been or are being complied with and for that purpose take with him or her from the place any equipment, material or listed product or part thereof;

- (c) require that that place and anything at it be left undisturbed for so long as is reasonably necessary for the purpose of any search, examination, investigation, inspection or inquiry under these Regulations;
- (d) require the person in charge to produce to the authorised officer—
  - (i) any listed product which is in the possession or under the control of such person, and
  - (ii) any records and, in the case of such information in a non-legible form, to reproduce it in a legible form and to give to the authorised officer such information as the authorised officer may reasonably require in relation to any entries in those records;
- (e) inspect and take copies of or extracts from any such records or any electronic information system at that place, including in the case of information in a non-legible form, copies of or extracts from such information in a permanent legible form or require that such copies be provided;
- (f) require a person at that place by whom or on whose behalf a computer is or has been used to produce or store records or any person having control of, or otherwise concerned with the operation of the computer, to afford the authorised officer access thereto and all reasonable assistance as the authorised officer may require;
- (g) remove from that place and retain the records (including documents stored in a non-legible form) and copies taken and detain the records for such period as the authorised officer reasonably considers to be necessary for further examination or until the conclusion of any legal proceedings;
- (h) require that records at that place be maintained for such period as may be reasonable;
- (i) require the person in charge to give the authorised officer such information as the authorised officer may reasonably require for the purposes of any search, examination, investigation, inspection or inquiry under these Regulations;
- (j) require the person in charge to give the authorised officer such assistance and facilities within the person's power or control as are reasonably necessary to enable the authorised officer to exercise any of his or her powers under these Regulations;
- (k) require by notice, at a time and place specified in the notice, any person (including the person in charge) to give the authorised officer

any information that the authorised officer may reasonably require in relation to the place, any listed product or part thereof, activity, installation or procedure at the place, and to produce to the authorised officer any records that are under that person's power or control;

- (l) examine any person whom the authorised officer reasonably believes to be able to give to the authorised officer information relevant to any search, examination, investigation, inspection or inquiry under these Regulations and require the person to answer such questions as the authorised officer may ask relative to the search, examination, investigation, inspection or inquiry (including documents referred to at Regulation (8)) and to sign a declaration of the truth of the answers;
- (m) require that any procedure be followed for the purposes of any search, examination, investigation, inspection or inquiry under these Regulations;
- (n) take any measurements or photographs or make any tape, electrical or other recordings that the authorised officer considers necessary for the purposes of any search, examination, investigation, inspection or inquiry under these Regulations;
- (o) where appropriate, install, use and maintain at that place monitoring instruments, systems and seals for the purposes of these Regulations;
- (p) there, or at any other place, carry out, or have carried out, such testing, examination or analysis of any listed product found at that place, as he or she reasonably considers to be necessary, and for that purpose—
  - (i) require the person in charge to supply the authorised officer without charge any listed product or part thereof, or
  - (ii) remove any listed product or part thereof;
- (q) cause any listed product or part thereof found at that place in respect of which there has been or there appears to the authorised officer to have been a contravention of these Regulations to be subjected to any testing, examination or analysis in accordance with subparagraph (p) (but not so as to damage or destroy it unless this is necessary for the purposes of these Regulations) and where an authorised officer proposes to exercise the power conferred by this paragraph in the case of a listed product or part thereof found at any place, he or she shall, if so requested by the person in charge and provided that the person in charge is present at his or her own expense, cause anything that is to be done by virtue of that power to be done in the presence of that person;

(*r*) remove and retain for such period as is necessary any listed product or part thereof found at that place for all or any of the following purposes:

- (i) to examine or arrange for the examination, testing or analysis of the listed product or part thereof;
- (ii) to ensure that it is not tampered with before the examination of it under clause (i) is completed;
- (iii) to ensure that it is available for use as evidence in any proceedings.

(2) Where a listed product or part thereof is found at a place, and an inquiry is made by an authorised officer in the course of a search, examination, investigation or inspection as to the identity of the person who supplied that listed product or part thereof the person in charge shall give the authorised officer the name and address of the supplier from whom the listed product or part thereof was purchased or otherwise obtained.

(3) Before exercising any of the powers conferred by subparagraphs (*p*) and (*q*) of paragraph (1), an authorised officer shall, in so far as it is practicable, consult such persons as appear to him or her to be appropriate for the purpose of ascertaining what dangers, if any, there may be in doing what he or she proposes to do under those subparagraphs.

(4) Where under the powers conferred by paragraph (1)(*r*), an authorised officer removes and retains any listed product found at a place, he or she shall, in so far as is practicable, take a sample thereof and give it to the person in charge, marked by the authorised officer in a manner sufficient to identify it.

(5) An authorised officer shall not enter a dwelling other than—

- (*a*) with the consent of the occupier, or
- (*b*) in accordance with a warrant of the District Court issued under paragraph (7) authorising such entry.

(6) Where an authorised officer in the exercise of his or her powers under this Regulation is prevented from entering any place, an application may be made to the District Court for a warrant under paragraph (7) authorising such entry.

(7) Without prejudice to the powers conferred on an authorised officer by or under any other provision of this Regulation, if a judge of the District Court is satisfied by information on oath of an authorised officer that there are reasonable grounds for believing that—

- (*a*) there are any listed products or part thereof at any place or any records (including documents stored in a non-legible form) or information relating to a place that the authorised officer requires to inspect for the purposes of these Regulations held at any place, or

- (b) there is, or such an inspection is likely to disclose, evidence of a contravention of these Regulations,

the judge may issue a warrant authorising an authorised officer, accompanied by such other authorised officers as may be appropriate or members of the Garda Síochána as may be necessary, at any time or times, within one month from the date of issue of the warrant, on production of the warrant if requested, to enter the place, if necessary by the use of reasonable force, and perform the functions conferred on an authorised officer by these Regulations.

(8) Where an authorised officer has reasonable grounds for apprehending any serious obstruction in the performance of his or her functions or otherwise considers it necessary, he or she may be accompanied by a member of the Garda Síochána when performing any functions conferred on him or her by or under these Regulations.

(9) A statement or admission made by a person pursuant to a requirement under subparagraph (i), (k) or (l) of paragraph (1) shall not be admissible in proceedings brought against that person for an offence (other than an offence under paragraph (12)).

(10) Where an authorised officer, upon reasonable grounds, believes that a person has committed an offence under these Regulations he or she may require that person to provide him or her with his or her name and the address at which he or she ordinarily resides.

(11) A person shall not obstruct or interfere with an authorised officer or a member of the Garda Síochána in the course of exercising a power conferred on him or her by these Regulations or a warrant under paragraph (7) or impede the exercise by the authorised officer or member, as the case may be, of such power, or fail or refuse to comply with a request or requirement of, or to answer a question asked by an authorised officer or such member pursuant to a power conferred by these Regulations, or in purported compliance with such request or requirement or in answer to such question give information to the authorised officer or member that he or she knows to be false or misleading in any material respect.

(12) A person who contravenes paragraph (11) shall be guilty of an offence.

(13) In this Regulation—

“person in charge” means, in relation to a place—

- (a) the person under whose direction and control the activities at that place are being conducted or,
- (b) the person whom the authorised officer has reasonable grounds for believing is in control of that place;

“place” means any structure, premises, land or other location or part of such place, and includes any container, railway wagon, vessel, aircraft, motor or other vehicle;

“record” includes any memorandum, book, report, statement, register, plan, chart, map, drawing, specification, diagram, pictorial or graphic work or other document, any photograph, film or recording (whether of sound or images or both), any form in which data (within the meaning of the Data Protection Acts 1988 and 2003) are held, any form (including machine-readable form) or thing in which information is held or stored manually, mechanically or electronically, and anything that is a part or copy, in any form, of any of, or any combination of, the foregoing.

*Proceedings and penalties*

20. (1) A person guilty of an offence under Regulation 19(12) is liable on summary conviction to a class A fine or imprisonment for a term not exceeding 12 months or both.

(2) A person guilty of an offence under these Regulations other than an offence referred to in paragraph (1) is liable—

(a) on summary conviction to a class A fine or imprisonment for a term not exceeding 12 months or both, or

(b) on conviction on indictment, to a fine not exceeding €250,000 or imprisonment for a term not exceeding 3 years or both.

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

(4) Where the affairs of a body corporate are managed by its members, paragraph (3) shall apply in relation to the acts and defaults of a member in connection with his or her functions of management as if he or she were a director or manager of the body corporate.

(5) Summary proceedings for an offence under these Regulations may be brought and prosecuted by the market surveillance authority.

*Revocation*

21. The following are revoked:

(a) Regulations 1 to 14 of and Schedules 1, 2 and 3 to the European Communities (Ecodesign Requirements for Certain Energy-Using Products) Regulations 2007 (S.I. No. 557 of 2007), and

- (b) in so far as they have not been revoked by Regulation 15 of the European Communities (Ecodesign Requirements for Certain Energy-Using Products) Regulations 2007—
  - (i) the European Communities (Energy Efficiency Requirements for Household Electric Refrigerators, Freezers and Combinations thereof) Regulations 1997 (S.I. No. 482 of 1997), and
  - (ii) the European Communities (Energy Efficiency Requirements for Ballasts for Fluorescent Lighting) Regulations 2001 (S.I. No. 511 of 2001).

## SCHEDULE

Entry Number 1	Listed Product 2	Implementing Measure 3
1	boiler appliance designed to have a burner fitted or a burner designed to be fitted to a boiler body within the meaning of Council Directive 92/42/EEC <sup>3</sup> of 21 May 1992 on efficiency requirements for new hot-water boilers fired with liquid or gaseous fuels as amended by Directive 2004/8/EC <sup>4</sup> on the promotion of cogeneration based on a useful heat demand in the internal energy market and amending Directive 92/42/EEC <sup>3</sup> ;	European Communities (Efficiency Requirements for New Hot-Water Boilers fired with liquid or gaseous fuels) Regulations 1994 (S.I. No. 260 of 1994) amended by the European Communities (Efficiency Requirements for New Hot-Water Boilers fired with liquid or gaseous fuels) (Amendment) Regulations 1995 (S.I. No. 72 of 1995)
2	standby and off mode electric power consumption of electrical and electronic household and office equipment within the meaning of Commission Regulation (EC) 1275/2008 <sup>5</sup> of 17 December 2008 implementing Directive 2005/32/EC of the European Parliament and of the Council with regard to ecodesign requirements for standby and off mode electric power consumption of electrical and electronic household and office equipment;	Commission Regulation (EC) No. 1275/2008 <sup>5</sup> implementing Directive 2005/32/EC of the European Parliament and of the Council with regard to ecodesign requirements for standby and off mode electric power consumption of electrical and electronic household and office equipment
3	simple set-top box within the meaning of Commission Regulation (EC) 107/2009 <sup>6</sup> of 4 February 2009 implementing Directive 2005/32/EC of the European Parliament and of the Council with regard to ecodesign requirements for simple set-top boxes;	Commission Regulation (EC) No. 107/2009 <sup>6</sup> implementing Directive 2005/32/EC of the European Parliament and of the Council with regard to ecodesign requirements for simple set-top boxes
4	a non-directional household lamp and special purpose lamp, within the meaning of Commission Regulation (EC) 244/2009 <sup>7</sup> of 18 March 2009 amended by Commission Regulation (EC) No. 859/2009 <sup>8</sup> of 18 September 2009 implementing Directive 2005/32/EC of the European Parliament and of the Council with regard to ecodesign requirements for non-directional household lamps;	Commission Regulation (EC) No. 244/2009 <sup>7</sup> amended by Commission Regulation (EC) No. 859/2009 <sup>8</sup> implementing Directive 2005/32/EC of the European Parliament and of the Council with regard to ecodesign requirements for non-directional household lamps
5	a fluorescent lamp without integrated ballast, for high intensity discharge lamps, and for ballasts and luminaries able to operate such lamps within the meaning of Commission Regulation (EC) 245/2009 <sup>9</sup> of 18 March 2009 implementing Directive 2005/32/EC of the European Parliament and of the Council with regard to ecodesign requirements for fluorescent lamps	Commission Regulation (EC) No. 245/2009 <sup>9</sup> implementing Directive 2005/32/EC of the European Parliament and of the Council with regard to ecodesign requirements for fluorescent lamps without integrated ballast, for high intensity discharge lamps, and for ballasts and luminaries able to operate such lamps, and repealing Directive 2000/55/EC

<sup>3</sup>OJ No. L167, 22.6.1992, p.17<sup>4</sup>OJ No. L052, 21.02.2004, p.50<sup>5</sup>OJ No. L339, 18.12.2008, p.45<sup>6</sup>OJ No. L36, 5.2.2009, p.8<sup>7</sup>OJ No. L76, 24.3.2009, p.3<sup>8</sup>OJ No. L247, 19.9.2009, p.3

Entry Number 1	Listed Product 2	Implementing Measure 3
	without integrated ballast, for high intensity discharge lamps, and for ballasts and luminaries able to operate such lamps, and repealing Directive 2000/55/EC	
6	an external power supply within the meaning of Commission Regulation (EC) 278/2009 <sup>10</sup> of 6 April 2009 implementing Directive 2005/32/EC of the European Parliament and of the Council with regard to ecodesign requirements for no-load condition electric consumption and average active efficiency of external power supplies	Commission Regulation (EC) No. 278/2009 <sup>10</sup> implementing Directive 2005/32/EC of the European Parliament and of the Council with regard to ecodesign requirements for no-load condition electric power consumption and average active efficiency of external power supplies
7	an electric motor within the meaning of Commission Regulation (EC) 640/2009 <sup>11</sup> of 22 July 2009 implementing Directive 2005/32/EC of the European Parliament and of the Council with regard to ecodesign requirements for electric motors	Commission Regulation (EC) No. 640/2009 <sup>11</sup> implementing Directive 2005/32/EC of the European Parliament and of the Council with regard to ecodesign requirements for electric motors
8	a circulator within the meaning of Commission Regulation (EC) 641/2009 <sup>12</sup> of 22 July 2009 implementing Directive 2005/32/EC of the European Parliament and of the Council with regard to ecodesign requirements for glandless standalone circulators and glandless circulators integrated in products	Commission Regulation (EC) No. 641/2009 <sup>12</sup> implementing Directive 2005/32/EC of the European Parliament and of the Council with regard to ecodesign requirements for glandless standalone circulators and glandless circulators integrated in products
9	a television within the meaning of Commission Regulation (EC) 642/2009 <sup>13</sup> of 22 July 2009 implementing Directive 2005/32/EC of the European Parliament and of the Council with regard to ecodesign requirements for televisions	Commission Regulation (EC) No. 642/2009 <sup>13</sup> implementing Directive 2005/32/EC of the European Parliament and of the Council with regard to ecodesign requirements for televisions
10	a household refrigerating appliance within the meaning of Commission Regulation (EC) 643/2009 <sup>14</sup> of 22 July 2009 implementing Directive 2005/32/EC of the European Parliament and of the Council with regard to ecodesign requirements for household refrigerating appliances	Commission Regulation (EC) No. 643/2009 <sup>14</sup> implementing Directive 2005/32/EC of the European Parliament and of the Council with regard to ecodesign requirements for household refrigerating appliances
11	a household washing machine within the meaning of Commission Regulation (EU) 1015/2010 <sup>15</sup> of 10 November 2010 implementing Directive 2009/125/EC of the European Parliament and of the Council with regard to ecodesign requirements for household washing machines	Commission Regulation (EU) No. 1015/2010 <sup>15</sup> implementing Directive 2009/125/EC of the European Parliament and of the Council with regard to ecodesign requirements for household washing machines

<sup>9</sup>OJ No. L76, 24.3.2009, p.17

<sup>10</sup>OJ No. L93, 7.4.2009, p.3

<sup>11</sup>OJ No. L191, 23.7. 2009, p.26

<sup>12</sup>OJ No. L191, 23.7.2009, p.35

<sup>13</sup>OJ No. L191, 23.7.2009, p.42

<sup>14</sup>OJ No. L191, 23.7.2009, p.53

<sup>15</sup>OJ No. L293, 11.11.2010, p.21

Entry Number 1	Listed Product 2	Implementing Measure 3
12	a household dishwasher within the meaning of Commission Regulation (EU) 1016/2010 <sup>16</sup> of 10 November 2010 implementing Directive 2009/125/EC of the European Parliament and of the Council with regard to ecodesign requirements for household dishwashers	Commission Regulation (EU) No. 1016/2010 <sup>16</sup> implementing Directive 2009/125/EC of the European Parliament and of the Council with regard to ecodesign requirements for household dishwashers



GIVEN under my Official Seal,  
4 May 2011.

RICHARD BRUTON,  
Minister for Enterprise, Trade and Innovation.

<sup>16</sup>OJ No. L293, 11.11.2010, p.31

## EXPLANATORY NOTE

*(This note is not part of the Instrument and does not purport to be a legal interpretation)*

The purpose of these Regulations is to implement Directive 2009/125/EC of the European Parliament and of the Council of 21 October 2009 establishing a framework for the setting of ecodesign requirements for energy-related products (recast).

The Energy-related Products Directive is a Framework Directive which specifies the framework within which detailed measures (referred to as implementing measures) setting Community ecodesign requirements for specific energy-related products are brought forward by the EU Commission. It is a recast of an earlier Directive (Directive 2005/32/EC) which established a framework for the setting of ecodesign requirements for energy using products and extends the scope of the application of that Directive to a wider variety of products which do not consume energy during use but have a significant contribution to make to energy saving, such as shower heads, insulation materials and water taps.

These Regulations also give effect to implementing measures which have been made to date pursuant to both Directives. A list of the products covered and their applicable implementing measure is in the Schedule.

The Directive obliges manufacturers, their authorised representatives or, in their absence, an importer of a product listed in the Schedule, not to place the said product on the EU market or put it into service if it does not conform to the applicable implementing measure.

The products covered by these Regulations are:

	Listed Product	Applicable implementing measure
1	Hot-water boilers fired with liquid or gaseous fuels	S.I. No. 260 of 1994 as amended by S.I. No. 72 of 1995
2	Standby and off mode electric power consumption of electrical and electronic household and electronic equipment	Commission Regulation (EC) No. 1275/2008
3	Simple set-top boxes	Commission Regulation (EC) No. 107/2009
4	Non-directional household lamps (commonly known as incandescent lightbulbs)	Commission Regulation (EC) No. 244/2009 amended by Commission Regulation (EC) No. 859/2009

	Listed Product	Applicable implementing measure
5	Fluorescent lamps without integrated ballast, for high intensity discharge lamps and for ballasts and luminaries able to operate such lamps	Commission Regulation (EC) No. 245/2009
6	No-load condition electric power consumption and average active efficiency of external power supplies	Commission Regulation (EC) No. 278/2009
7	Electric motors	Commission Regulation (EC) No. 640/2009
8	Glandless standalone circulators and glandless circulators integrated in products	Commission Regulation (EC) No. 641/2009
9	Televisions	Commission Regulation (EC) No. 642/2009
10	Household refrigerating appliances	Commission Regulation (EC) No. 643/2009
11	Household washing machines	Commission Regulation (EU) No. 1015/2010
12	Household dishwashers	Commission Regulation (EU) No. 1016/2010

S.I. No. 557 of 2007 European Communities (Ecodesign Requirements for Certain Energy-using Products) Regulations 2007 which transposed the Ecodesign of Energy-using Products Directive (Directive 2005/32/EC) is revoked.

BAILE ÁTHA CLIATH  
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