

Energy Efficiency of Equipment Act

Passed 19 November 2003

(RT¹ I 2003, 78, 525),

entered into force 1 January 2004.

Chapter 1

General Provisions

§ 1. Scope of application of Act

(1) This Act regulates the requirements for the energy efficiency and energy labelling of certain types of household appliances, heating equipment and installations (hereinafter equipment) and the bases of and procedure for their conformity assessment and attestation in order to increase the efficiency of the consumption of energy and other essential resources.

(2) The requirements for energy labelling apply to the following equipment intended for use in households:

- 1) refrigerators, freezers and their combinations;
- 2) washing machines, driers and their combinations;
- 3) dishwashers;
- 4) electric ovens;
- 5) lighting sources;
- 6) air-conditioning appliances;
- 7) water heaters and hot-water storage appliances.

(3) Energy efficiency requirements and the procedure for the assessment and attestation of conformity therewith apply to the following equipment:

- 1) new hot-water boilers fired with liquid or gaseous fuels;
- 2) refrigerators, freezers and their combinations;
- 3) ballasts for fluorescent lighting.

(4) The energy efficiency of heat generators shall be determined by way of inspection.

(5) The provisions of the Product Conformity Attestation Act (RT I 1999, 92, 825; 2003, 45, 308) apply to the procedure for the conformity assessment and attestation of equipment specified in this Act, with the specifications arising from this Act.

(6) The provisions of the Administrative Procedure Act (RT I 2001, 58, 354; 2002, 53, 336; 61, 375; 2003, 20, 117) apply to the administrative procedure prescribed in this Act, with the specifications arising from this Act.

§ 2. Definitions

(1) For the purposes of this Act:

1) energy efficiency means the indicator characterising the efficiency of the consumption energy and other essential resources upon the normal use of equipment;

2) equipment means a product, the normal use of which requires energy or other essential resources and may result in noise or waste emission;

3) other essential resources means water, chemicals or any other substance consumed by equipment in normal use;

4) noise means the level of airborne noise emitted by equipment at a sound power level of one picowatt, expressed in decibels;

5) energy labelling means the provision of information on the consumption of energy and other essential resources by equipment;

6) dealer means a person or agency who sells, leases or allows the use of equipment which is placed on the market, or displays such equipment to the end-users;

7) supplier means the producer of equipment or an authorised representative thereof who places the equipment on the market.

(2) In this Act, the definitions specified in § 2 of the Product Conformity Attestation Act are used with the specifications arising from this Act.

§ 3. Technical documentation

(1) The producer of equipment or an authorised representative thereof shall prepare technical documentation for the equipment which must enable verification of the correctness of the information contained in the energy-performance label and assessment of the energy efficiency of the equipment. Technical documentation shall be prepared for the equipment specified in subsections 1 (2) and (3) of this Act.

(2) If the producer of equipment or an authorised representative thereof has failed to comply with the requirement provided in subsection (1) of this section, the technical documentation shall be prepared by the person or agency which places the equipment on the market.

(3) The requirements for the technical documentation of equipment and the period of preservation thereof shall be established by a regulation of the Minister of Economic Affairs and Communications.

Chapter 2

Energy Labelling Requirements

§ 4. Requirements for energy-performance labels of equipment and requirements for displaying thereof

(1) Suppliers of equipment specified in subsection 1 (2) of this Act shall supply the equipment with an energy-performance label and an explanation of the meaning of the indicators presented in the energy-performance label prepared in Estonian (hereinafter product information).

(2) An energy-performance label shall contain information concerning the energy efficiency of equipment and where required, information concerning noise emitted by equipment.

(3) Requirements for determination of levels of airborne noise emitted by equipment shall be established by a regulation of the Minister of Economic Affairs and Communications.

(4) Requirements for energy-performance labels and product information concerning equipment shall be established by a regulation of the Minister of Economic Affairs and Communications which shall provide:

- 1) the exact definition of equipment;
- 2) the methodology for obtaining the information contained in energy-performance labels;
- 3) the format of energy-performance labels;
- 4) the location for attaching energy-performance labels to equipment or packaging;
- 5) the information required in product information;
- 6) the information required upon sale of equipment through means of communication.

(5) Suppliers of equipment shall provide the dealers with energy-performance labels and product information free of charge.

- (6) The supplier is responsible for the correctness of information provided in energy-performance labels and product information.
- (7) If the supplier of equipment cannot be determined, the dealer in the equipment shall guarantee the accuracy of the energy-performance labels and product information.
- (8) Dealers in equipment shall display the energy-performance labels and product information at the place of sale of the equipment for examination by the buyer. Product information shall be provided in user manuals, or where it is not provided, in any other document provided together with the equipment.

§ 5. Placing on market of equipment subject to energy labelling requirements

Equipment specified in subsections 1 (2) of this Act may be placed on the market, if:

- 1) the energy efficiency thereof has been determined pursuant to the procedure provided for in this Act and legislation established on the basis thereof;
- 2) the equipment is accompanied by required information and energy-performance labels.

Chapter 3

Energy Efficiency Requirements and Assessment and Attestation of Conformity therewith

§ 6. Requirements for energy efficiency of equipment and requirements for displaying of information provided on energy efficiency of equipment

- (1) Equipment specified in subsection 1 (3) of this Act shall be energy-efficient in normal use, the energy efficiency must be attested, and the equipment shall be accompanied by required labelling.
- (2) Requirements for the energy efficiency of equipment shall be established by a regulation of the Minister of Economic Affairs and Communications which shall provide the exact definition of equipment and required labelling.

§ 7. Assessment and attestation of conformity of equipment

- (1) The assessment and attestation of the conformity of equipment shall be guaranteed by the producer of the equipment or an authorised representative thereof.

(2) If the producer of equipment or an authorised representative thereof has failed to comply with the requirement provided in subsection (1) of this section, the assessment and attestation of the conformity of equipment shall be guaranteed by the person or agency which places the equipment on the market.

(3) The procedure for the assessment and attestation of the conformity of equipment, the procedure for affixing conformity markings and the conformity assessment procedures necessary for the assessment of conformity shall be established by a regulation of the Minister of Economic Affairs and Communications. The obligation to involve a notified body may be prescribed in the conformity assessment procedures necessary for the assessment and attestation of the conformity of equipment.

§ 8. Presentation of equipment not conforming to energy efficiency requirements

Equipment which do not conform to the requirements of this Chapter may be presented at trade fairs, exhibitions, demonstrations and other public presentations on the condition that they are accompanied by clearly visible information which states that the equipment do not conform to the requirements established therefor and that the equipment will not be placed on the market or put into service before the equipment have been brought into conformity with the requirements.

§ 9. Notified body

(1) A notified body is a designated body which conducts the conformity assessment procedures required for the assessment and attestation of the conformity of equipment with energy efficiency requirements.

(2) The provisions of the Product Conformity Attestation Act, with the specifications arising from this Act, apply to the grant to a person of the right to operate as a notified body, to the revocation or suspension of such right, and to the operation of a person as a notified body and the exercise of state supervision over that person.

(3) The right to act as a notified body is granted for up to five years.

(4) A person which applies for the right to act as a notified body or is acting as a notified body shall:

1) meet the requirements provided for in subsection 26³ (1) of the Product Conformity Attestation Act;

- 2) be accredited pursuant to the Product Conformity Attestation Act to assess and attest the conformity of the equipment specified in subsection 1 (3) of this Act;
- 3) have liability insurance which is valid for the entire period of operation as a notified body.
- (5) Notified bodies shall enter into liability insurance contracts with the minimum amount of insurance coverage of 500 000 kroons to ensure compensation for the potential damage caused to third persons by the notified bodies in their activities as notified bodies.

§ 10. Placing on market and putting into service of equipment subject to energy efficiency requirements

Equipment specified in clause 1 (3) 1) of this Act may be placed on the market and put into service, and equipment specified in clauses 1 (3) 2) and 3) of this Act may be placed on the market, if:

- 1) it conforms to the requirements of this Act and legislation established on the basis thereof;
- 2) its conformity has been attested pursuant to the procedure established in this Act and legislation established on the basis thereof and the equipment is accompanied by the other required information and labelling;
- 3) the equipment bears a conformity marking, if this is required.

Chapter 4

Determination of Energy Efficiency of Equipment by Inspection

§ 11. Determination of energy efficiency characteristics of equipment

- (1) Equipment specified in subsection 1 (4) of this Act shall be inspected in the course of manufacture or installation thereof, and its energy efficiency must conform to the characteristics established by the design documentation of the equipment.
- (2) Equipment subject to inspection in the course of manufacture shall be accompanied by a user manual and written maintenance instructions which enable the equipment to be used at its optimal efficiency. Inspection results shall be included in the user manual and maintenance instructions.

(3) The Minister of Economic Affairs and Communications shall establish, by regulation, the exact definition of equipment subject to inspection, the characteristics influencing the energy efficiency of equipment which must be determined in the course of inspection and the procedure for their determination, and the requirements for the contents of inspection reports.

(4) Inspection of equipment in the course of manufacture shall be guaranteed by the producer of the equipment and inspection of equipment in the course of installation shall be guaranteed by the person who installs the equipment.

(5) If non-conformity of equipment is detected upon inspection conducted in the course of installation, the person who conducts the inspection shall forward the inspection report to the state supervisory authority.

Chapter 5

State Supervision

§ 12. State supervisory authority

State supervision over conformity with the requirements provided for in this Act and legislation established on the basis thereof shall be exercised by the Technical Inspectorate (hereinafter the Inspectorate).

§ 13. Rights and obligations of officials exercising state supervision

(1) Officials exercising state supervision have the right to:

1) inspect compliance with the requirements of this Act and legislation established on the basis thereof without hindrance and without giving prior notice;

2) obtain information necessary for supervision, examine documents relevant to supervision and copies thereof, and make transcripts thereof, provided that the confidentiality of business and technical information which becomes known to them is ensured unless the disclosure of such information is prescribed by law;

3) enter, for the purposes of supervision, any location where equipment is manufactured, installed, used, repaired, produced, stored or sold, and enter the premises of designated bodies;

4) prohibit equipment which does not conform to the requirements of this Act and legislation established on the basis thereof from being placed on the market or put into service

and demand withdrawal of non-conforming equipment from the market or termination of the use thereof;

5) issue precepts.

(2) In the performance of their duties, officials exercising state supervision are required to present identification.

§ 14. Precepts

(1) An official exercising state supervision shall issue a precept for the termination of violations of the requirements of this Act or legislation established on the basis thereof, for the prevention of further violations and elimination of the consequences of violations, in which he or she shall:

1) call attention to the offence and demand that it be terminated;

2) where necessary, demand that activities related to the offence be suspended in part or in full, or

3) demand that acts necessary for the lawful continuation of the activities be performed.

(2) In the event of failure to comply with a precept specified in subsection (1) of this section, an official exercising state supervision may impose a penalty payment pursuant to the procedure provided for in the Substitutive Enforcement and Penalty Payment Act (RT I 2001, 50, 283; 94, 580). The upper limit for penalty payments is 10 000 kroons.

§ 15. Contestation of precept or act

(1) If a person does not agree with a precept or other act of an official exercising state supervision, the person has the right to file a challenge with the Director General of the Inspectorate within ten working days after the date on which the person became aware of the precept or other act.

(2) Challenges shall not be filed against administrative acts or measures of the Director General of the Inspectorate.

(3) The filing of a challenge shall not suspend the implementation thereof.

(4) The Director General of the Inspectorate shall review a challenge and make a decision within fourteen days as of the date on which the challenge is filed. The official against whose precept or act the challenge is filed shall not participate in the review of the challenge.

(5) A person who files a challenge shall be notified of the decision on the challenge and the decision shall be delivered against a signature or sent by post with advice of delivery within two working days as of the date on which the decision is made.

§ 16. Inspection of conformity

(1) In the course of state supervision, a competent official of the Inspectorate has the right to:

1) obtain, for fair remuneration, a necessary amount of equipment from dealers in or suppliers of equipment to be used for equipment samples to check the conformity of equipment, the energy-performance labels, the product information or other information provided concerning the equipment to the requirements provided for in this Act and legislation established on the basis thereof;

2) verify conformity of used equipment, the energy-performance labels, the product information or other information provided concerning the equipment to the requirements provided for in this Act or legislation established on the basis thereof;

3) order assessment services to be performed to verify the conformity of the equipment or the accuracy of the energy-performance label, the product information or other information provided concerning the equipment.

(2) If it is established that the equipment or the energy-performance label, the product information or other information provided concerning the equipment does not conform to the requirements provided for in this Act or legislation established on the basis thereof, the dealer in, supplier or owner of the equipment shall return the remuneration specified in clause (1) 1) of this section and compensate the Inspectorate for any documented costs incurred by ordering the service specified in clause (1) 3) of this section.

Chapter 6

Liability

§ 17. Violation of requirements for energy-performance label of or product information concerning equipment

(1) A supplier of or dealer in equipment who fails to provide the equipment with the energy-performance label or product information or to prepare the technical documentation shall be punished by a fine of up to 100 fine units.

(2) The same act, if committed by a legal person, is punishable by a fine of up to 10 000 kroons.

§ 18. Failure to display energy-performance labels or product information

(1) A dealer in or supplier of equipment who fails to display the energy-performance label of or product information concerning the equipment at the place of sale of the equipment or fails to make such information accessible pursuant to the prescribed procedure shall be punished by a fine of up to 100 fine units.

(2) The same act, if committed by a legal person, is punishable by a fine of up to 10 000 kroons.

§ 19. Placing on market of non-conforming equipment

(1) Violation of the requirements for placing equipment on the market or violation of the requirements for putting equipment into service is punishable by a fine of up to 200 fine units.

(2) The same act, if committed by a legal person, is punishable by a fine of up to 30 000 kroons.

§ 20. Failure to submit inspection report

(1) Violation of the requirements for submission of an inspection report specified in subsection 11 (5) of this Act is punishable by a fine of up to 100 fine units.

(2) The same act, if committed by a legal person, is punishable by a fine of up to 10 000 kroons.

§ 21. Proceedings

(1) The provisions of the General Part of the Penal Code (RT I 2001, 61, 364; 2002, 86, 504; 82, 480; 105, 612; 2003, 4, 22) and of the Code of Misdemeanour Procedure (RT I 2002, 50, 313; 17, 654; 2003, 26, 156) apply to the misdemeanours provided for in §§ 17–20 of this Act.

(2) Extra-judicial proceedings concerning the misdemeanours provided in §§ 17–20 of this Act shall be conducted by the Technical Inspectorate.

Chapter 7

Final Provisions

§ 22. Implementing Provisions

(1) The Energy Efficiency of Equipment Act (RT I 2000, 84, 532; 2002, 63, 387) is repealed.

(2) The requirements of this Act do not extend to equipment the production of which has been terminated before 1 July 2001, and to used equipment.

§ 23. Entry into force of Act

This Act enters into force on 1 January 2004.

¹ RT = *Riigi Teataja* = *State Gazette*