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## Appendix

# The Regulation on Energy-efficiency Labeling Administration (Revised Draft)

## Chapter I General Principles

Article 1 This Regulation is formulated in accordance with the *Energy Conservation Law of the People's Republic of China*, the *Product Quality Law of the People's Republic of China* and the *Regulation of the People's Republic of China on Certification and Accreditation*, for the purposes of strengthening the administration of energy conservation, promoting the progress of energy conservation technologies and upgrading energy efficiency of energy consuming products.

Article 2 Energy-efficiency label as mentioned in this regulation refers to the information label indicating the energy efficiency grade and other performance indicators of energy-consuming products, which falls into the scope of product conformity labels.

Article 3 The State practices a uniform energy-efficiency label system for energy consuming products, formulates and promulgates the *Catalogue of the People's Republic of China on Products to be Attached with Energy-efficiency labels* (hereinafter referred to as the "Catalogue"), and determines uniformly applicable product energy efficiency standards, implementation rules, pattern and specifications of energy-efficiency labels.

Article 4 For any product listed into the *Catalogue*, the uniform energy-efficiency label shall be indicated on an eye-catching part of the product or its smallest packaging, and shall be stated in the instructions of this product. For products sold online, corresponding energy-efficiency labels shall also be displayed at an eye-catching position of the product webpage.

Article 5 The producer or importer of a product listed into the *Catalogue* shall, after using the energy-efficiency label, submit the energy-efficiency label and other relevant information to the organization authorized by the General Administration of Quality Supervision, Inspection and Quarantine of the People's Republic of China (hereinafter referred to as the AQSIQ) and the National Development and Reform Commission (hereinafter referred to as the NDRC) (the said institution is hereinafter referred to as the authorized organization) for archival registration.

Article 6 The NDRC and the AQSIQ shall take charge of establishing the energy-efficiency label system and organizing the implementation thereof.

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Energy conservation management departments (hereinafter referred to as local energy conservation management departments), product quality supervision departments and entry-exit inspection and quarantine institutions (hereinafter referred to as local product quality supervision departments) under local people's government at various levels, shall conduct supervisory inspections on implementation of the energy-efficiency label system within their respective jurisdiction.

## **Chapter II Implementation of Energy-efficiency Label System**

Article 7 The NDRC and the AQSIQ are responsible for developing the *Catalogue* and the implementation rules of product energy-efficiency label, formulating and publishing applicable unified pattern and specifications of labels for products.

Article 8 The name of the energy-efficiency label is China Energy Label. Basic information to be provided on the label shall include:

- (1) Name or its shortened form of the producer of the product;
- (2) Product specifications and model;
- (3) Energy efficiency grade;
- (4) Energy efficiency indices
- (5) Code of the national energy efficiency standard applied;
- (6) Energy efficiency information code.

Article 9 Products listed into the national catalogue of Top Runners in energy efficiency may print the 'Top Runner' sign directly on the energy-efficiency label.

Article 10 The producer or importer of the product listed into the Catalogue may have its product tested either by taking advantage of its own resources or by a third-party testing and inspection institution, and determine the product's energy efficiency grade according to the national energy efficiency standards.

The producer or importer who determines the energy efficiency grade of its product using self-owned testing resources shall have the capacity of carrying out tests according to the national energy efficiency standards. And the third-party testing and inspection institution shall secure a qualification certificate according to this regulation for Administration of Qualification Accreditation of Testing and Inspection Institutions.

The State encourages self-owned testing departments of enterprises and third-party testing and inspection institutions that undertake energy efficiency tests to acquire the accreditation by an accreditation institution according to the Regulations of the People's Republic of China on Certification and Accreditation.

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Article 11 The producer or importer shall print and use energy-efficiency labels according to the pattern, specifications and provisions as specified uniformly by the State for energy-efficiency labels.

The energy-efficiency label used on the packaging, specifications, advertisement and online product information display webpage of a product may be zoomed in or out proportionally but must be clear and distinguishable.

Article 12 The producer or importer shall finish the registration of energy-efficiency label before a product is delivered or imported. The following materials shall be submitted to the authorized organization:

- (1) Copy of the business license or registration certificate of the producer; copies of the business license and relevant contract concluded with an overseas producer of the importer;
- (2) Energy efficiency test report of the product;
- (3) Specimen of energy-efficiency label;
- (4) Basic configuration list of the product and other relevant materials;
- (5) In the case that the product is tested taking advantage of the enterprise's self-owned testing resources, evidentiary materials for its testing capacity, including proofs for the capacity of laboratory personnel, equipment and test management specifications, etc., shall be provided. Where the testing department has been accredited by an institution designated by the State, corresponding accreditation documents and appendixes shall be provided as well.

In the case that an agent submits materials for the registration on behalf of the producer or importer, proxy documents of the producer or importer shall be provided.

The above materials shall be authentic, accurate and complete.

A Chinese version shall be submitted along with the documents originally written in foreign language, and the Chinese text will govern.

Article 13 The authorized organization shall finish the registration of the energy-efficiency label within ten work days as of the day when the registration materials are received, however the time consumed by the producer or importer to supplement materials will not be counted in.

Article 14 The registration shall be renewed in the case that the contents of the energy-efficiency label have changed.

Article 15 The authorized organization shall publish registration information on a regular basis, and verify the energy-efficiency label and product energy efficiency inspection report used by the producer or importer.

No charge shall be collected for the registration of energy-efficiency labels.

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**Chapter III Supervision and Administration**

Article 16 The AQSIQ is responsible for carrying out special sampling inspections and supervisory inspections on the energy-efficiency labels of products included in the Catalogue.

Local product quality supervision departments shall conduct special sampling inspections and supervisory inspections on the energy-efficiency labels of products included in the Catalogue within their respective jurisdiction and announce the inspection results to the society on a regular basis in coordination with local energy conservation management departments.

Article 17 The producer or importer shall be responsible for the correctness of information of the energy-efficiency label used. No falsification or counterfeit of the label is permitted.

Article 18 The Sellers (including online commodity operators) shall establish and implement an incoming examination and inspection system, check and identify the energy-efficiency labels of products listed into the Catalogue, and shall not sell unlabeled products subject to the label system, forge or use energy-efficiency labels falsely.

The third-party trading platform operator shall establish an energy-efficiency label examination and supervision system for commodities listed into the Catalogue and sold through the platform, and, if finding any behavior in violation of this regulation, take restraining measures in a timely manner.

Article 19 Self-owned testing departments of enterprises shall carry out tests according to the testing methods and requirements as specified by the national compulsory energy efficiency standards for relevant products, and issue product energy efficiency test report faithfully.

A third-party testing and inspection organization commissioned by the producer or importer shall carry out tests according to the testing methods and requirements as specified by the national compulsory energy efficiency standards for relevant products, ensure the objectivity, impartiality and accuracy of the testing process and results, assume corresponding legal responsibilities and keep commercial secrets for the product tested.

Article 20 The authorized organization shall establish a regular work system, carry out registration work in an objective and impartial manner and keep commercial secrets for the product and enterprise registered.

Article 21 No unit or individual is permitted to make false or misleading advertisement for energy consuming products by taking advantage of the energy-efficiency label.

Article 22 The producer, importer, seller (including online commodity operator), third-party trading platform operator, self-owned testing department of enterprise

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and third-party testing and inspection institution of the product listed into the Catalogue shall receive supervision and inspections.

Article 23 Any unit and individual may report to local energy conservation management or product quality supervision departments at various levels for any behavior in violation of this regulation or in the case that there are evidences in support of a product's failure in fulfilling the energy indices as indicated in the energy-efficiency label. The local energy conservation management and product quality supervision departments at various levels shall carry out investigations and handle the report in a timely manner and keep secrete for the reporter. The authorized organization shall offer cooperation in the handling of the report.

## **Chapter IV Penalties**

Article 24 Local energy conservation management and product quality supervision departments at various levels are responsible for imposing penalties on production, import and sales behaviors in violation of this regulation within their respective jurisdiction according to relevant provisions of the Energy Conservation Law of the People's Republic of China, the Product Quality Law of the People's Republic of China and the Regulation of the People's Republic of China on Certification and Accreditation.

Article 25 The producer or an importer who, in violation of this regulation, fails to undergo energy-efficiency label registration procedure or use the label in the correct pattern or at the right position will be ordered to correct within a time limit specified by the local product quality supervision departments at various levels, and any delay in doing so will incur a penalty of over 10,000 Yuan and below 30,000 Yuan.

The seller (including online commodity operator) who, in violation of this regulation, sells the commodity that should be but is not attached with an energy-efficiency label will be ordered to correct by the local product quality supervision departments at various levels and imposed with a penalty of over 10,000 Yuan and below 30,000 Yuan. The online commodity operator or third-party trading platform who fails to display energy-efficiency label on the product information webpage according to the provisions will be ordered to correct by the local product quality supervision departments at various levels and imposed with a penalty of over 10,000 Yuan and below 30,000 Yuan.

The producer or importer who, in violation of this regulation, fails to label the product that should be attached with an energy-efficiency label will be ordered to correct by the local product quality supervision departments at various levels and imposed with a penalty of over 30,000 Yuan and below 50,000 Yuan.

The producer or importer or seller (including online commodity operator) who forges or uses energy-efficiency labels falsely or makes misleading advertisement by taking advantage of energy-efficiency labels will be ordered to correct by the local product

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quality supervision departments at various levels and imposed with a penalty of over 50,000 Yuan and below 100,000 Yuan, and, in a severe circumstance, be revoked for business license by the industry and commerce administration department.

The producer or importer or seller (including online commodity operator) who produces, imports or sells the energy consuming product that fails to meet the compulsory energy efficiency standards or fulfill the energy efficiency indices as indicated by the energy-efficiency label will be ordered to stop producing, importing and selling such product, confiscated for the energy consuming products produced, imported or sold illegally, relevant equipment and illegal gains and imposed with a penalty of one to five times the illegal gains by the local product quality supervision departments at various levels, and, in a severe circumstance, be revoked for business license by the industry and commerce administration department.

The producer or seller (including online commodity operator) who produces or sells the energy consuming product that fails to meet the compulsory energy efficiency standards or fulfill the energy efficiency indices as indicated by the energy-efficiency label, and adulterates the product to sell it as the genuine or the superior will be punished by the local product quality supervision departments at various levels according to provisions of Article 50 of the Product Quality Law of the People's Republic of China, and be published to the society jointly with the local energy conservation management department.

Article 26 The third-party testing and inspection institution or self-owned testing department of an enterprise who, in violation of this regulation, forges the testing results or issue a false energy efficiency test report will be punished by the local product quality supervision departments at various levels according to Article 57 of the Product Quality Law of the People's Republic of China and Article 43 of this regulation for Administration of Qualification Accreditation of Testing and Inspection Institutions, and the authorized organization will not admit its test results within one year.

Article 27 For the products that fail the energy-efficiency label special inspection organized and conducted by national product quality supervision departments, registration department shall cancel the information of relevant products registered by the producer or importer and publish such products in a timely manner.

## **Chapter V Supplementary Provisions**

Article 28 This regulation is under the responsibility of the NDRC and the AQSIQ for interpretation.

Article 29 This regulation takes effect as of DD/MM/YYYY.