

Removal of energy labelling rules and guidance

Committee of Advertising Practice and Broadcast Committee of Advertising Practice statement on the removal of energy labelling and product fiche information rules from the UK Advertising Codes



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1. Executive Summary

Following a period of public consultation, the Committee of Advertising Practice (CAP), author of the UK Code of Non-broadcast Advertising and Direct & Promotional Marketing (CAP Code) and the Broadcast Committee of Advertising Practice (BCAP), author of the UK Code of Broadcast Advertising (BCAP Code) are removing CAP Code rules 11.8 and 11.9, and BCAP Code rules 9.9 and 9.10, and accompanying Advertising Guidance.

CAP Code rules 11.8 and 11.9, and BCAP Code rules 9.9 and 9.10 (the rules) were introduced in 2011, and reflected requirements relating to the inclusion of energy labelling and product fiche information for specific products and in specific types of advertising. These requirements were as set out in Directive (EC) No 2010/30/EU, the legislation that applied at the time, and which was transposed into UK law by the [Energy Information Regulations 2011](#) (the 2011 Regulations). [Advertising Guidance on how to describe a product's energy efficiency class](#) (the guidance) which accompanied the rules was also published in 2011.

In 2017, [Regulation EU 2017/1369](#) repealed Directive (EC) No 2010/30/EU, and introduced amended energy labelling requirements and rescaled energy efficiency ratings for some of the product types covered by the legislation. The rules were amended to include a holding statement, to inform marketers of this change, and direct them to the applicable delegated regulations whilst the rescaling process for the new requirements was ongoing. That rescaling process completed between March 2021 and April 2023, depending on the product type; therefore, the existing rules and guidance no longer reflect current legislation.

CAP and BCAP engaged in discussions with the Department for Energy Security and Net Zero (DESNZ), the government department that has responsibility for energy labelling and information policy and legislation, and the Office of Product Safety and Standards (OPSS), the appointed Market Surveillance Authority, with responsibility for enforcing the Regulations.

Because of the legislative changes, the fact the ASA received no complaints under these rules since they were introduced, and that there is already a statutory body, the OPSS, which is responsible for the enforcement of the relevant regulations, it fell to CAP and BCAP to review whether it is necessary and proportionate for the requirements to be reflected in the Codes and enforced by the ASA. This necessitated CAP and BCAP's decision to consult on the removal of the rules.

There were no objections to the removal of the rules from the consultation, and removing them from the Codes does not affect the requirements set out in legislation. Consumers and businesses can raise concerns with the OPSS, without contacting the ASA, and this will not be affected by the removal of CAP's and BCAP's code rules and advertising guidance.

This document explains the context surrounding CAP and BCAP's decision to consult on the removal of the energy labelling rules and guidance (section 2), and the consultation responses (section 3), and confirms the outcome (section 4).

2. CAP and BCAP's decision to consult

2.1 Background to the current rules

CAP rules 11.8 and 11.9, and BCAP rules 9.9 and 9.10 were introduced in 2011, following discussion with the Department for the Environment, Food and Rural Affairs (DEFRA), the government department that was responsible for the legislation at that time. The rules reflected requirements set out in [Directive \(EC\) No 2010/30/EU](#), which were transposed into UK law by the [Energy Information Regulations 2011](#) (the 2011 Regulations). [Advertising Guidance on how to describe a product's energy efficiency class](#), which accompanied the rules was also published in 2011. The rules and guidance reflect the relevant legislation; they do not replace it. Following governmental changes, the department which is now responsible for the energy labelling and information policy and legislation is the Department for Energy Security and Net Zero (DESNZ), and the appointed Market Surveillance Authority is the Office of Product Safety and Standards (OPSS). The OPSS is the UK's national product regulator, within the Department for Business and Trade (DBT), and has responsibility for monitoring and enforcing the requirements in a range of product regulations, including the energy labelling regulations, to ensure compliance.

In 2017, [Regulation EU 2017/1369](#) repealed Directive (EC) No 2010/30/EU. Regulation EU 2017/1369 introduced amended energy labelling requirements and rescaled energy efficiency ratings for some of the product types covered by the legislation.

Following introduction of Regulation EU 2017/1369, the rules were amended to include a holding statement, to inform marketers of this change, and direct them to the applicable delegated regulations whilst the rescaling process for the new requirements was ongoing. The rules, including that holding statement (*italicised*) are provided below.

2.2 CAP and BCAP's rules on energy labelling

CAP rules

- 11.8** This rule must be read in conjunction with Directive (EC) No 2010/30/EU and the Energy Information Regulations 2011 on labelling and standard product information of the consumption of energy and other resources by energy-related products and its subsequent delegated regulations. The Directive introduces an information and labelling framework whereby delegated regulations will detail which products need to contain an energy efficiency rating or fiche. The rule only applies to products which are subject to a delegated regulation.

From 1 August 2017 Regulation EU 2017/1369 mandates a rescaling of existing energy labelling to provide more accurate information for consumers, including in advertising, where the energy efficiency class of a product and the range of classes available will need to be given. The existing delegated regulation continues to apply whilst that rescaling process is ongoing.

For more information on delegated regulations, go to [energy](#).

Marketing communications for specific energy-related products, subject to a delegated regulation, that include energy-related information or disclose price information, must include an indication of the product's energy efficiency class i.e. in the range A+++ to G.

- 11.9** This rule must be read in conjunction with Directive (EC) No 2010/30/EU and the Energy Information Regulations 2011 on labelling and standard product information of the consumption of energy and other resources by energy-related products and its subsequent delegated regulations. The Directive introduces an information and labelling framework whereby delegated regulations will detail which products need to contain an energy efficiency rating or fiche. The rule only applies to products which are subject to a delegated regulation.

From 1 August 2017 Regulation EU 2017/1369 mandates a rescaling of existing energy labelling to provide more accurate information for consumers, including in advertising, where the energy efficiency class of a product and the range of classes available will need to be given. The existing delegated regulation continues to apply whilst that rescaling process is ongoing.

For more information on delegated regulations, go to [energy](#).

Marketers must make product fiche information about products that fall under delegated regulations available to consumers before commitment.

BCAP rules

- 9.9** This rule must be read in conjunction with Directive (EC) No 2010/30/EU and the Energy Information Regulations 2011 on labelling and standard product information of the consumption of energy and other resources by energy-related products and its subsequent delegated regulations. The Directive introduces an information and labelling framework whereby delegated regulations will detail which products need to contain an energy efficiency rating or fiche. The rule only applies to products which are subject to a delegated regulation.

From 1 August 2017 Regulation EU 2017/1369 mandates a rescaling of existing energy labelling to provide more accurate information for consumers, including in advertising, where the energy efficiency class of a product and the range of classes available will need to be given. The existing delegated regulation continues to apply whilst that rescaling process is ongoing.

For more information on delegated regulations, go to [energy](#).

Advertisements for specific energy-related products, subject to a delegated regulation, that include energy-related information or disclose price information, must include an indication of the product's energy efficiency class i.e. in the range A+++ to G.

- 9.10** This rule must be read in conjunction with Directive (EC) No 2010/30/EU and the Energy Information Regulations 2011 on labelling and standard product information of the consumption of energy and other resources by energy-related products and its subsequent delegated regulations. The Directive introduces an information and labelling framework whereby delegated regulations will detail which products need to contain an energy efficiency rating or fiche. The rule only applies to products which are subject to a delegated regulation.

From 1 August 2017 Regulation EU 2017/1369 mandates a rescaling of existing energy labelling to provide more accurate information for consumers, including in advertising, where the energy efficiency class of a product and the range of classes

available will need to be given. The existing delegated regulation continues to apply whilst that rescaling process is ongoing.

For more information on delegated regulations, go to [energy](#).

Advertisers must make product fiche information about products that fall under delegated regulations available to consumers before commitment.

2.3 Changes since last rule update

The energy efficiency ratings rescaling process mandated in Regulation EU 2017/1369 completed between March 2021 and April 2023, depending on the product type. Therefore, it is necessary for these rules to be amended, or removed, to ensure they remain up to date.

EU Delegated regulations (which are now assimilated Great Britain (GB) law) set out what the requirements are for specific product types and the 2011 Regulations (Schedule 1) list which delegated regulations apply to which product type. Different regulations, and therefore different requirements about the information required, and where it should be included, apply to different product types.

Since the UK left the EU, Regulation EU 2017/1369 and all delegated regulations which apply are now assimilated GB law. EU law continues to apply in Northern Ireland, under the Windsor Framework Agreement.

Because of these changes, and the fact the ASA has received no complaints under these rules since they were introduced, and there is already a statutory body, the OPSS, which is responsible for the enforcement of the relevant regulations, it falls to CAP and BCAP to review the rules. This led to the decision to review whether the Code ought to reflect energy labelling legislation in its rules at all.

2.4 Decision to consult

As part of this review, CAP and BCAP engaged with the Department for Energy Security and Net Zero (DESNZ), as the department responsible for the energy labelling and information policy and legislation, and the Office for Product Safety and Standards (OPSS) (as the relevant Market Surveillance Authority) and decided to consult on the removal of these rules from the CAP and BCAP Code. The below provides important contextual information to this decision.

The primary consideration, alongside others, is whether it is necessary and proportionate for the energy labelling requirements to be reflected in the CAP and BCAP Codes and enforced by the ASA. The OPSS is responsible for enforcement of the relevant regulations, as the appointed governmental Market Surveillance Authority. The government guidance on these energy requirements: '[Regulations: energy information](#)', includes OPSS contact details which can be used if consumers or businesses have "*a specific enquiry about compliance or wish to contact us regarding suspected non-compliance*". The removal of the rules from the Codes does not affect the requirements set out in legislation. Therefore, consumers and businesses can raise concerns about non-compliance to the OPSS without contacting the ASA. This will not be affected by the removal of the rules from the Codes.

Since the OPSS is the department with expertise on the enforcement of these regulations, CAP and BCAP consider it is better placed to more effectively enforce the legal

requirements. In addition, the ASA has received no complaints under these rules for the whole period in which they have been in force, and there is no indication, that the ASA is aware of, of compliance issues. If compliance issues do exist, these are not being raised via the ASA system.

Although many Code rules do reflect requirements set out in legislation, an assessment is made on the need for rules to do so in each case. In some situations the Codes do not reflect legislation where the Codes were not considered the appropriate means of enforcement, and where there is a separate statutory enforcement body (see, for example, [CAP's removal of rules on distance selling](#), enforced by trading standards, and requirements for the display of vehicle CO2 and fuel consumption values, which are enforced by the Vehicle Certification Agency (VCA)).

CAP and BCAP therefore decided to consult on the removal of the rules and guidance from the Codes.

3. Consultation and evaluation of responses

Consultation questions

The consultation ran from 3 February 2025 to 4 March 2025, which also included information about ASA system funding, The Communications Act 2003, and a general overview of CAP, BCAP, and the ASA.

Respondents were invited to provide comments in answer to the following questions:

1. Do you object to CAP's proposal to remove Code rule 11.8 and 11.9 from the CAP Code, and the accompanying Advertising Guidance? If so, please indicate why.
2. Do you object to BCAP's proposal to remove Code rule 9.9 and 9.10 from the BCAP Code, and the accompanying Advertising Guidance? If so, please indicate why.

Consultation responses

We received one response to the consultation which was from The Carbon Trust. They did not object to CAP's proposal to remove CAP Code rules 11.8 and 11.9 from the CAP Code, BCAP's proposal to remove BCAP Code rules 9.9 and 9.10, and the proposed removal of the accompanying Advertising Guidance.

However, they requested that visitors to the ASA website are signposted to the most up-to-date government guidance on energy requirements, to reduce the risk of important information being missed. They also stated that it would be preferable if government guidance on energy requirements included clear information specifically aimed at marketers on how to communicate energy information in line with the regulation. They said that the legislation documents often use technical language that may not be accessible to a marketer without a technical background.

CAP and BCAP's evaluation

Since there were no objections to the removal of CAP Code rules 11.8 and 11.9, BCAP Code rules 9.9 and 9.10, and the accompanying Advertising Guidance, and in light of the rationale outlined above, CAP and BCAP therefore decided to remove the energy labelling Code rules and accompanying Advertising Guidance.

Regarding the Carbon Trust's additional points on the ASA continuing to provide useful information, we will ensure that there is an appropriate link to the most up-to-date government guidance on energy requirements on our website.

[This page](#) contains government guidance on energy labelling, including on the rescaling carried out in March 2021 and October 2021. It is geared towards suppliers and dealers and addresses what is in scope, the extent of the obligation, how to comply, and the role of the OPSS.

4. Consultation outcome

Following the consultation, CAP and BCAP confirm the proposal to remove CAP rules 11.8 and 11.9, BCAP rules 9.9 and 9.10, and the accompanying Advertising Guidance.

The rules have been deleted from the Codes effective from the date of this regulatory statement.

Contact us

Committee of Advertising Practice
Castle House, 37-45 Paul Street,
London EC2A 4LS

Telephone: 020 7492 2200
Textphone: 020 7242 8159
Email: enquiries@cap.org.uk

www.cap.org.uk

 Follow us: [@CAP_UK](https://twitter.com/CAP_UK)