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## **Report on Discussions with Manufacturers and Retailers and Remedy Actions**

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# 1. Physical testing and information requirements of televisions

## 1.1 Methodology

CompliantTV conducted full laboratory testing of 172 TVs against the technical and information requirements of the Energy Labelling and Ecodesign Regulations. Testing was performed by the consortium partners VDE, ipi and Re/genT.

The testing program enabled the consortium to undergo a significant dialogue with manufacturers; this provided significant insights into the culture of compliance in the industry and the willingness to correct any issues uncovered by the project. Overall, for the 172 TVs tested, the consortium engaged on a suspected non-compliance on technical or information requirements in 136 cases.

A summary of the testing results containing full details of the test standards used, produced by TUB under Deliverable 3.3 can be found at <http://www.complianttv.eu/eu/about-the-project/all-documents/>.

4 batches of testing took place, and the consortium communicated results to manufacturers after completion of each batch. The project document *Test Method Interpretations, Tolerances and Communication of Results*, sets out how the project defined the compliance status of a TV from physical testing with respect to enforcement. This recognises the importance and position of Market Surveillance Authorities (MSAs). Therefore the term 'suspected non-compliant', rather than 'non-compliant' was given to TVs that were seen to not meet requirements when tested in the first instance (Step 1 testing).

A schematic of the process followed by the consortium to communicate with manufacturers is below. Further detail of this procedure is available in section 2 of *Test Method Interpretations, Tolerances and Communication of Results*.

Manufacturers of TVs that were suspected non-compliant against technical requirements after Step 1 were contacted and given the opportunity to respond to the test results. In these cases manufacturers could either accept results or challenge them. Where results were accepted, the consortium requested remedy actions from the manufacturer, the suitability of which was assessed by the project Remedy Action Board. The consortium then attempted to follow these actions through to completion.

Where results were challenged by the manufacturer, the product moved to Step 2 testing, which involved testing a further three models bought from the general market, as per the market surveillance procedure in regulation 1062/2010. Upon completion of this testing, TVs that still did not meet requirements could be more formally deemed 'non-compliant' and results were passed to MSAs and published on the CompliantTV online database.

A similar process was followed for correcting any issues with information requirements; after actions were agreed, the consortium requested evidence that actions had been implemented by requesting updated documents such as product fiches and viewing amended website information.

The consortium remained in contact with manufacturers to monitor the progress and completion of actions. In some cases, enabling contact with manufacturers was not possible, or could not be maintained. In these cases, where remedy actions were not fully completed, MSAs were informed of the nature of the suspected non-compliance and background to the case.

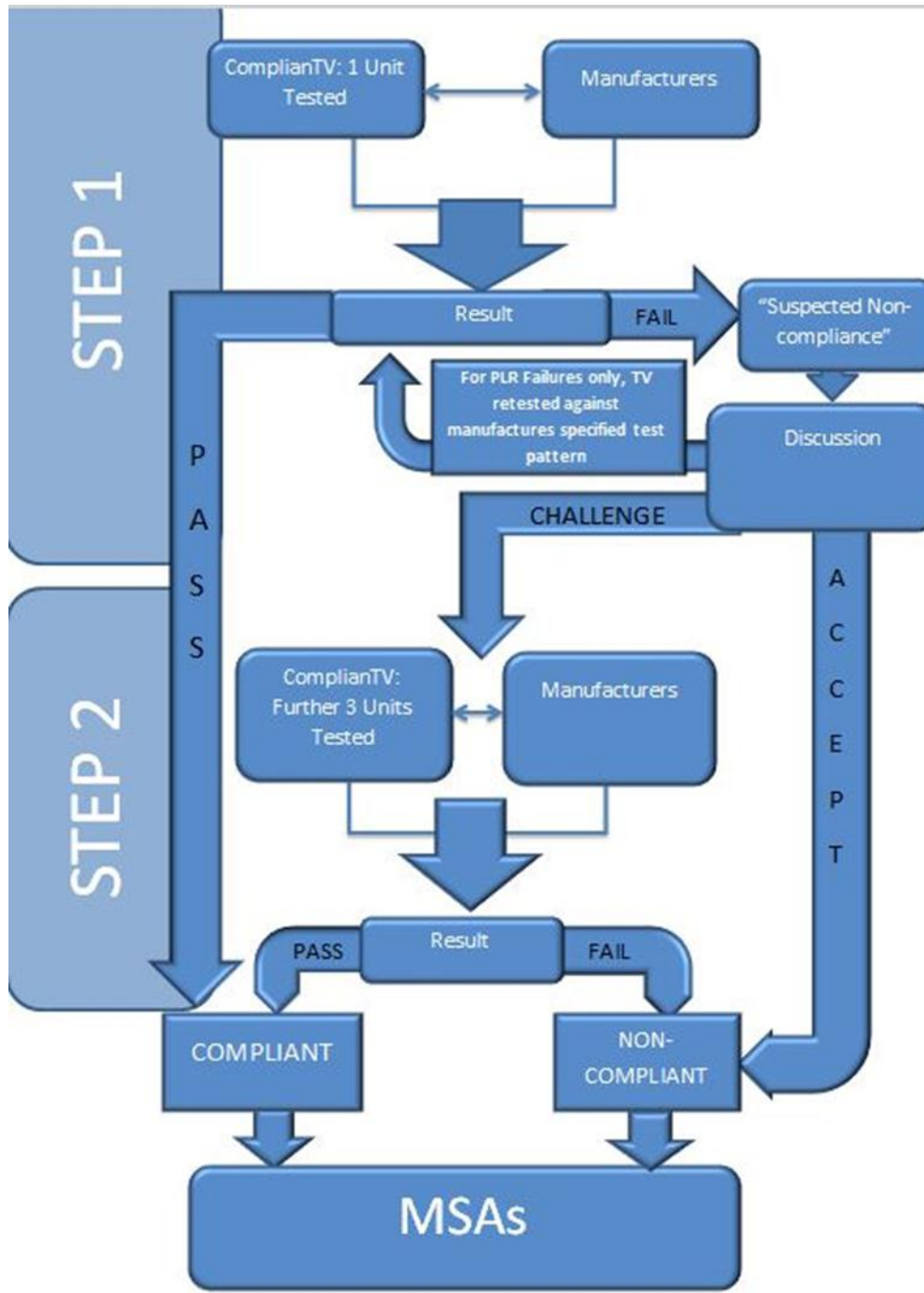


Figure 1: Schematic of the testing procedures under the CompliantTV project

## 1.2 Summary of non-compliance cases and follow-up action

Full test reports for each TV tested can be found in the CompliantTV product database at <http://www.complianttv.eu/eu/product-database/>.

Of the 136 cases of suspected non-compliance, a total of 48 (8 technical cases and 40 related to information) were closed after successful resolution with the project's Remedy Action Board.

For 45 of the 136 cases, the consortium did not receive any response and for a further 7, it was not possible to establish contact details for the manufacturer. A further 16 cases were referred to the MSA where manufacturer failed to complete agreed actions and for a final 20, despite contact with the manufacturer, remedy actions could not be completed before the end of the project.

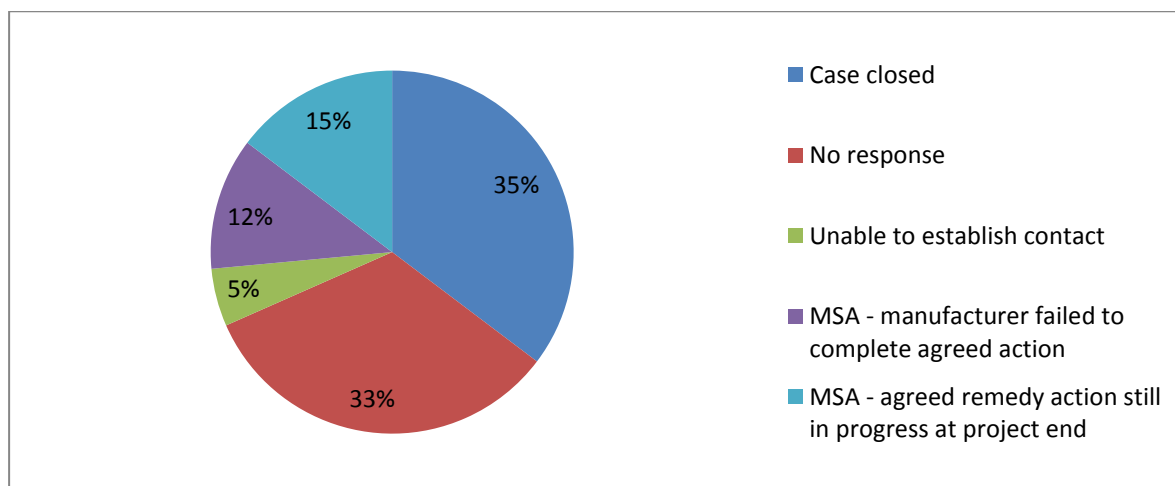


Figure 2: Status of resolution of cases of suspected non-compliance at the end of the CompliantTV project

### Breakdown by Batch

Status	Batch			
	1	2	3	4
Case closed	19	8	19	2
No response	7	11	23	4
Unable to establish contact	4	2	1	0
MSA - manufacturer failed to complete agreed action	6	6	2	2
MSA - agreed remedy action still in progress at project end	3	4	9	4

Table 1: Breakdown of resolution status of all cases by batch

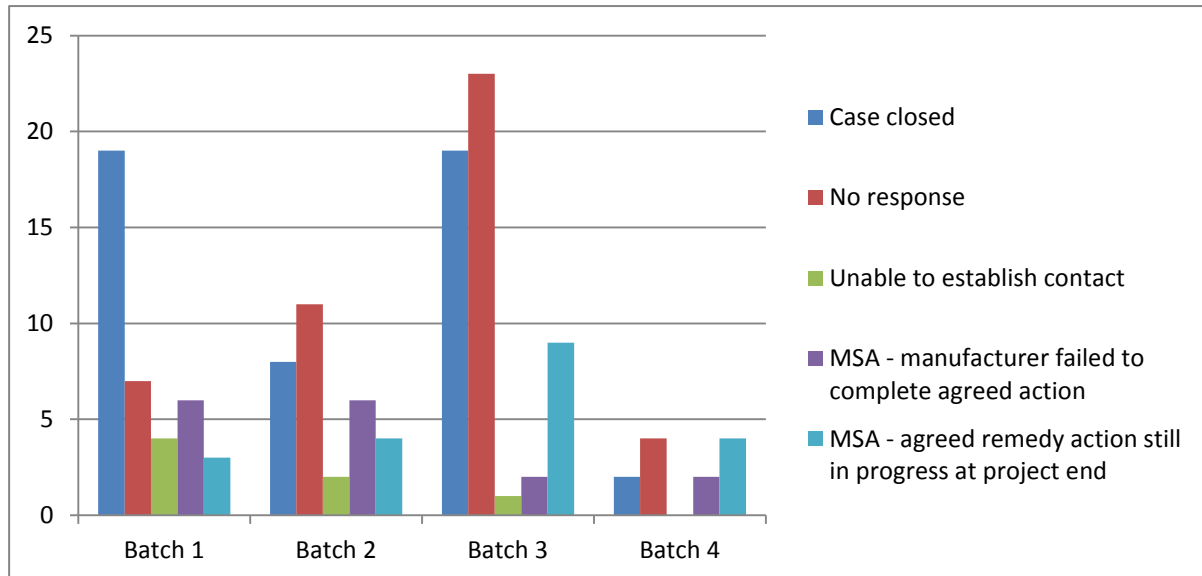


Figure 3: Breakdown of resolution status of all cases by batch

### 1.3 Resolution of suspected technical non-compliance

24 of the 136 cases of suspected non-compliance were due to a technical requirement. An issue with the automatic power-down feature was the most common cause of technical non-compliance, along with some issues on peak luminance ratio, standby power and energy label declaration.

8 technical cases were able to be resolved after the manufacturer completed actions that were agreed with the Remedy Action Board, including five manufacturers who made technical upgrades to the TV to ensure compliance. 10 technical cases were considered unresolved, but these TVs had left the market before the project was able to complete a step 2 re-test and satisfactory resolution of the non-compliance.

For the most part, manufacturers engaged with the project on technical issues. There were 10 instances where the non-compliance was accepted after step 1 testing, removing the need for step 2 testing.

At the end of the project, details of unresolved and non-compliant cases were passed to the relevant MSA for action, along with all other test data to inform their activities.

### 1.4 Information requirements

Non-compliance with information requirements (energy label format, information available on publically accessible websites, data in the product fiche) was much more widespread than technical issues. 112 TVs were assessed to have non-compliance in this area.

Experiences showed that it was more difficult for the consortium to engage manufacturers on addressing non-compliance in information requirements. These were of greater number than technical issues and appeared of lower priority in some cases. For 54 TVs, no remedy action was taken by the manufacturer after the project’s communication and for 18 TVs action taken was deemed



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unsatisfactory. In several of these cases, manufacturers proposed amendments to documentation or websites, but did not complete this despite extensive follow-up contact from the project consortium.

Positive examples were also seen; for 40 TVs, the manufacturer made the necessary updates to product information to achieve compliance.

## 1.5 Conclusions

Of the 136 cases to remedy action the project failed to get a response from 45 and had no contact details for 7 meaning the remedy action process was not taken forward for 84 cases (61%). For the remainder, 48 were closed (35%), 16 were sent to MSA for failure to complete actions agreed (11%) and 20 were sent to MSA as we could not complete the process with the manufacturer before the project ended (14%).

Therefore of the 84 cases that the project was able to engage manufacturers with, 48 were successfully closed representing 57% and a further 20 (23%) had the potential to be resolved with further engagement showing that the process was successful where manufacturers were engaged in resolving the non-compliances.



## 2. Display of the Energy Label in Physical Stores; Retailer Monitoring

### 2.1 Methodology

Five of the project partners (EST, TUB, AEA, BIO and SEVEN) conducted inspections of the display of the TV energy label in 20 stores each, to make a total of 100. Two rounds of inspections were carried out. A mix of electronic superstores, department stores, independent electronic specialists and supermarkets were visited. After round 1, in early 2014, partners communicated results to the stores and requested remedy actions where compliance could be improved. The project aimed to open a dialogue with stores, and engage positively; this was done by suggesting specific actions and providing the guidance materials produced under work package 5 on both labelling compliance and how to effectively advise consumers in selecting an energy-efficient TV.

Where possible, the same stores were visited again in round 2 in early 2015. Some had closed down since round 1 and where this was the case partners replaced these stores with one of the same type to maintain the same split of stores. Round 2 visits aimed to assess the effectiveness of remedy actions and measure improvement in compliance. Further communication with the retailers occurred after round 2.

Results and trends were analysed for both rounds and this is covered in the report for Deliverable 3.1, along with a more detailed description of the methodology used. This is available on the CompliantTV website at <http://www.complianttv.eu/eu/about-the-project/all-documents/>.

This section reports on experiences from communications between partners and retailers, the effectiveness of remedy actions and the resolution of cases of non-compliance.

### 2.2 Overall results

#### Round 1

Overall results from round 1 saw 68% of the 5,128 TV models checked to be labelled correctly in accordance with regulation 1062/2010. A wide range of compliance rates were seen for individual stores; some achieved very high compliance (over 90%), but several instances were also seen where a store failed to label any of its TVs correctly. Partners wrote to all stores visited providing a deadline for response, requested a commitment to taking formal remedy actions and informed that the project would be carrying general dissemination of results to the MSA.

#### Round 2

An improvement in labelling compliance was seen in round 2 – of the 5,398 TV models checked, 78% were labelled correctly, an increase of 10 percentage points. Several examples of very effective remedy actions were seen and some partners were able to establish an ongoing dialogue with retailers to ensure compliance.

At the individual shop level, the overall effect of the project’s communication was an increase in compliance.

Compliance level	No. stores (round 1)	No. stores (round 2)	Change
>90%	12	30	↑18
80-90%	13	18	↑5
50-79%	39	34	↓5
<50%	36	18	↓18

**Table 2: Change in compliance level between rounds 1 and 2 in physical stores visited by CompliantTV project partners**

## 2.3 Discussions with Retailers, remedy actions and effect on compliance; national experiences

### Austria

**Round 1 overall compliance: 66%**

**Round 2 overall compliance: 73%**

A positive experience in engaging with retailers was reported in Austria. None of the retailers visited refused to commit to remedy actions after round 1. The main source of non-compliance in round 1 was where labels were entirely missing from the TVs. All retailers were reported to commit to informing or reminding their staff on the need for energy labels to be displayed.

The round 2 assessment showed an overall improvement. The best improvement by an individual store was an electronic specialist store which improved its compliance from 64% in round 1 to 94% in round 2. 12 stores improved compliance in round two, with five of these making a relatively large improvement (over 15 percentage points) between the two rounds. Two stores that had low compliance in round 1 were again measured as having low compliance in round 2.

### Germany

**Round 1 overall compliance: 82%**

**Round 2 overall compliance: 88%**

Stores checked in Germany had the highest energy labelling compliance in round 1 and this increased slightly in round 2. The experience reported from communication showed a generally high level of engagement with the project, and a willingness to correct errors, but more examples than in Austria where retailers were less inclined to co-operate with the project. Some retailers did not respond to the project’s communication at all.

13 of the stores visited in round 1 committed to remedy actions, mainly by planning to communicate to staff the need to label TVs; again, missing labels were the chief source of non-compliance by German retailers. 2 stores had closed down at the time of TUB’s contact with them. 5 stores did not return the project’s communication or declined to propose remedy actions, of which one store expressed doubt that the project’s inspection results were correct, and another, in the most extreme case of non-engagement seen, imposed a ban on the project from coming back into the store to check TV labels.

Of the stores that were able to be revisited in round 2, 12 of these improved compliance, with the best example being an electronic superstore stocking over 130 TVs that improved 14 percentage points to 91% compliance.



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## France

**Round 1 overall compliance: 57%**

**Round 2 overall compliance: 65%**

Retailers in France achieved the lowest compliance measured by the project. The main source of non-compliance was missing labels, with a relatively high amount of boxed TVs deemed non-compliant due to a missing label compared to other partners.

Many of the stores checked did engage with the project; 18 of the 20 committed to improve compliance in round 2. In round 2, an overall improvement of 8 percentage points was seen, and all cases were able to be closed.

Only 2 of the 20 stores were unable to be re-visited in round 2 due to closure. Of these, 14 made some improvement, with one store improving by 51 percentage points in round 2. Two stores made no improvement and 2 regressed in round 2, with one by a somewhat concerning 24 percentage points.

Whilst there remains scope for improvement among the stores checked, the overall level of engagement appeared to be positive. Some issues with missing labels on boxed TVs remained in round 2 and some retailers reported a low level of understanding or awareness of the regulations; others fed back that some manufacturers do not provide the label with the sets.

All results from France were communicated to the MSA.

## UK

**Round 1 overall compliance: 57%**

**Round 2 overall compliance: 70%**

Stores in the UK saw a range of compliance levels and different degrees of engagement with the project. In round 1, UK stores had the joint lowest compliance along with those in France.

A trend (and an expected one) seen after round 1 was that smaller, independent stores often had lower compliance, less knowledge of regulations and less capacity to implement compliance procedures than larger stores (with the exception of supermarkets). Some of these stores were reticent to communicate with the project. 5 stores closed down before the second round meaning replacements had to be found.

In the UK, like France, a relatively large number of boxed TVs were non-compliant due to missing labels. A large electronic superstore that was checked in round 2 had 99% compliance for its unboxed display TVs and displayed strong knowledge of the regulations for unboxed TVs, but did not appear to be aware of the need to ensure boxed TVs were labelled – in the same inspection only 38% of boxed TV models complied with the regulation. Despite specific dialogue on this issue, this was not fully resolved in round 2 for a number of stores.

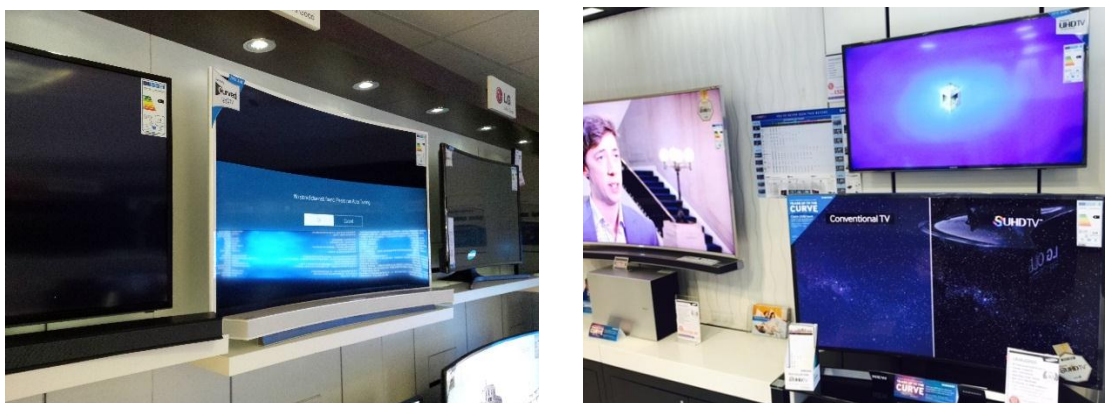
Communication after round 1 was largely positive in the UK, all stores in round 1 (except the 5 that closed down) committed to remedy actions. A department store which had three of its branches checked by the project engaged very positively with EST through meetings and email contact and improved labelling in all three stores to over 80% in round 2. An overall improvement was seen in the UK, although with 5 stores being replaced, comparison of results was only possible for 15 stores. 9 of these improved compliance in round 2, with all engaging positively with the project.

After seeing lower compliance in round 2 than round 1, EST had a very good response from a large supermarket chain regarding correction of a format error related to the 'hard-off' switch graphic, and

developed a good line of communication through the Primary Authority (a branch of the MSA responsible for in-store labelling) contact for another supermarket chain. Of stores that did not improve, one only had 6 TVs displayed, meaning that a small decrease in compliance corresponded to a large percentage decrease; in absolute terms, there was no great concern regarding the compliance of this store, which did engage very well with the project and reported that sometimes labels are removed by children in-store. Nevertheless in this case a store representative came into EST's offices for a meeting to present procedures for ensuring future compliance.

One case was seen regarding a chain electronic specialist where remedy action was proposed to EST and appeared to be implemented and communicated internally by the retailer. However in round two, compliance fell by 14 percentage points.

Of the five stores visited only in round 2, where a further round of visits was not conducted, EST requested evidence of procedures in place and photographic evidence that labelling was happening after contacting the store. All of these stores engaged with the project; one that had only 9% compliance gave photographic evidence that appeared to show the problem had been corrected, whilst two others provided details of their procedures and photographs. Two engaged somewhat less; in one case the manager fed back that he saw energy labelling as an unnecessary burden and something that his customers never asked about as part of their purchase decision; and furthermore that some manufacturers did not provide the label. For this store, remedy actions were not committed to further than agreeing to use the label when it was provided for this store.



**Figure 4: Images provided by two UK stores to show implementation of remedy actions for improving energy labelling.**

All final UK results were also communicated to the MSA.

### **Czech Republic**

**Round 1 overall compliance: 76%**

**Round 2 overall compliance: 89%**

Stores in the Czech Republic saw an increase in compliance of 13 percentage points in round 2 (joint largest with the UK), resulting in the highest second round compliance score.

The main source of non-compliance was missing labels, with a smaller amount of formatting errors and some issues with unlabelled boxed TVs. A strong dialogue was established with 9 retailers, who all committed to remedy actions. The best example seen was from an electronic specialist who engaged very positively with the project, arranged a meeting with SEVEN and improving labelling from 13% in round 1 to an impressive 100% in round 2. 16 of the 20 stores checked improved in round 2 with 9 stores improving by over 20 percentage points.

SEVEN referred all shop visit results to the Czech MSA on completion of the exercise.

## 2.4 Conclusions; outcomes and experiences from discussions with retailers

Overall, the level of engagement by retailers with the project was positive, but there were also examples in each country (apart from Austria) where retailers did not wish to engage with the project or display willingness to comply with energy labelling regulations. In the majority of cases, retailers did commit to remedy actions; this was broken down by country as follows:

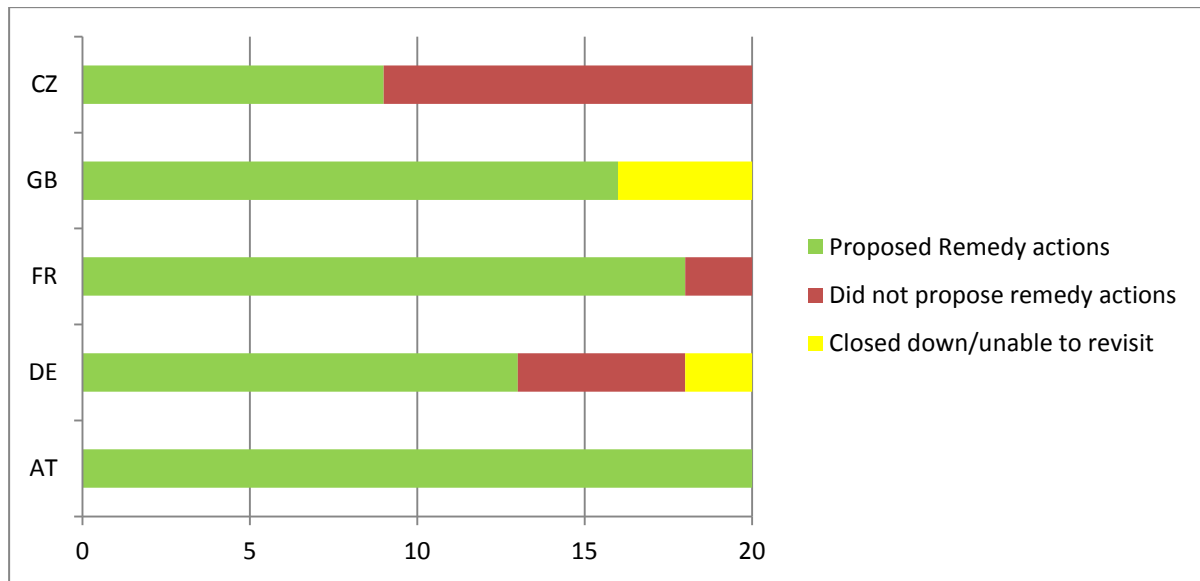
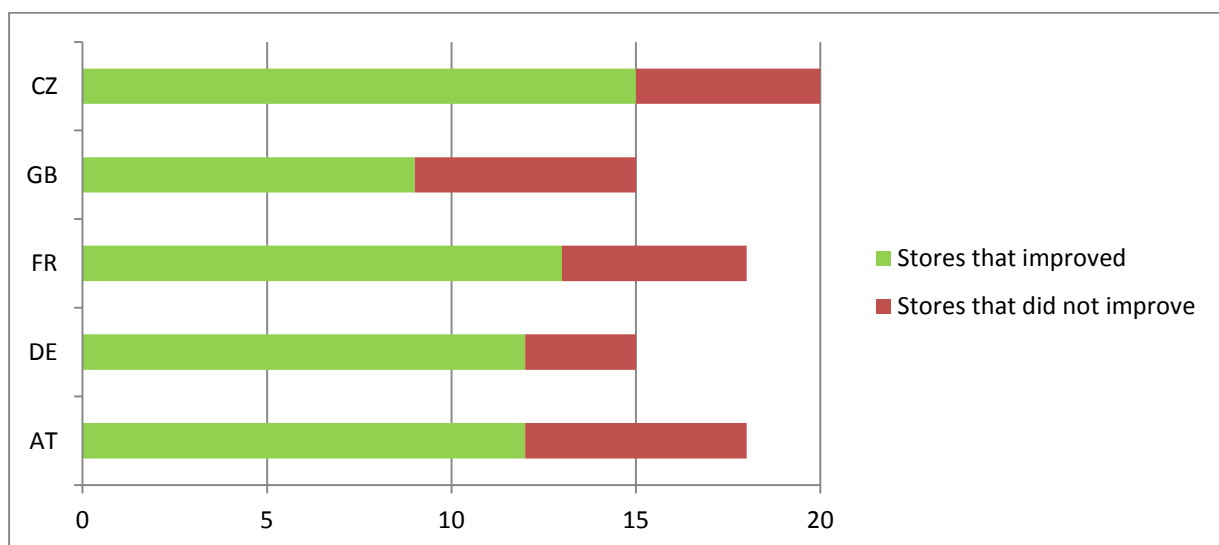


Figure 5: Numbers of retailers who agreed remedy actions after round 1 shop visits, by country

The breakdown by country of the numbers of retailers improving compliance is depicted below.





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Figure 6: Improvement in compliance, measured by number of stores, by country. Generally, the project's communication with retailers appears to have been effective, although there were some cases where retailers failed to implement their proposed actions successfully and compliance dropped in round 2.

Some specific labelling issues seen in round 1 were not fully addressed in round 2, even though some improvement in compliance was seen overall. The most significant example of this was the presence of the energy label on boxed TVs, often in multiple units. Whilst this improved overall between the two rounds (by 11 percentage points), several retailers failed to improve this situation significantly, despite being made aware of this after round 1 by the project's communications. This remains important as a consumer needs to be able to access the energy information of a TV no matter how it is presented at the point of sale and whilst more unboxed than boxed TVs were seen in the project's inspections, the number of unlabelled boxed TVs in round 2 remained significant (659 units of 186 models were unlabelled). This appears to be a specific case where further, formal MSA involvement may be required.

## 3. Display of the Energy Label Online; e-shop Monitoring

### 3.1 Methodology

Five of the project partners (ECOS, TUB, AEA, BIO and SEVEN) conducted inspections of online retailers to assess compliance against the energy information requirements for distance selling in regulation 1062/2010. This was done for 20 e-shops each, to make a total of 100, done over two rounds; a first round in late 2013/early 2014 and a second in the first half of 2015. Further detail on methodology and full results from the inspections of can be found in the report for deliverable 3.2, available at <http://www.compliantv.eu/eu/about-the-project/all-documents/>.

Key to this exercise was the fact that legislation changed for online retailers after 1<sup>st</sup> January 2015, after which retailers were required to display the energy label and product fiche for products entering the market after this date. Prior to 1<sup>st</sup> January 2015, TV listings were required to feature the information detailed in Annex II of regulation 1062/2010.

As with the checks of physical stores, the project team communicated with retailers to report the level of compliance and requested that retailers agree to remedy actions where compliance could be improved. Guidance documents provided included information about compliance of online listings and detailed the change in legislation.

This section reports on experiences from communications between partners and retailers, the effectiveness of remedy actions and the resolution of cases of non-compliance. For online stores, compliance rates between the rounds could not be compared exactly as retailers were subject to a different set of requirements and in some cases in round 2, compliance could not be determined with absolute certainty as the date that products were placed on the market was not known.

### 3.2 Overall Results

#### Round 1

An overall compliance rate of 26% was seen for a total of 2002 TVs checked; this was noted as significantly lower than the compliance in-store.

#### Round 2

Compliance increased overall in round 2 – of the 1992 TVs checked, 31% were compliant. For a further 17%, compliance could not be determined, but a number of these may have been compliant with pre-2015 requirements; the date of placing on the market could not be established.

For listings checked, 45 e-shops were 100% non-compliant in round 2. 19 shops achieved over 90% compliance.



### 3.3 Discussions with retailers, remedy actions and effect on compliance; national experiences

#### Results by country

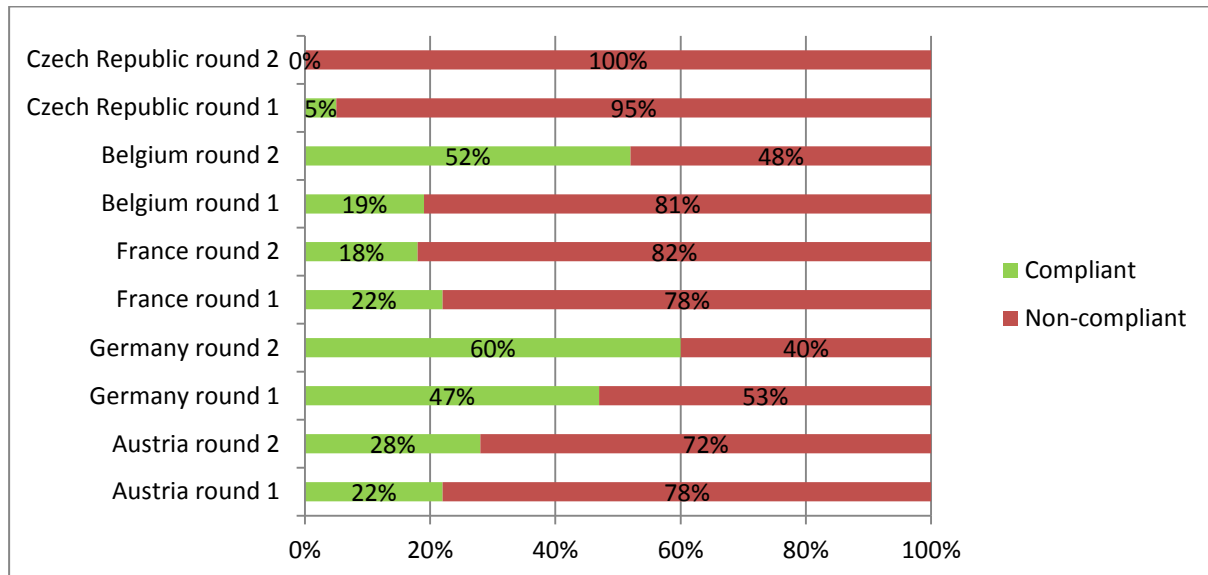


Figure 6: Improvement in compliance, measured by number of stores, by country

#### Czech Republic

For all the stores checked, the main issue in round 1 was missing or incomplete information. SEVEN established communication with 11 retailers, most of which agreed to improve compliance. However in round 2, overall compliance dropped to 0%, with the main issue being missing labels and fiches for TVs deemed to have been placed on the market after 2015. However, compliance could not be determined with certainty for 22% of TV listings checked.

Whilst the post-2015 online labelling requirements are well-defined in the regulation, there may be subjectivity in interpretations of non-compliance against aspects such as the proximity of the label to the price. SEVEN reported carrying out a very formal assessment of this, which may have been a factor in the higher rate of non-compliance observed for Czech e-shops.

It appears that implementation of the new requirements was slow in the first half of 2015, although screenshots collected did show that for 13 of the 20 e-shops checked, some attempt had been made to incorporate the label and fiche into listings.

#### Belgium

The main issue seen with listings in Belgian e-shops was missing information (or missing labels) in both rounds. However, a strong increase in compliance of 23 percentage points was seen in round 2, as a result of largely of some good practice by stores in implementing the new requirements, assisted by the project team's guidance in this area.





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## **France**

Overall compliance results were similar for French e-shops between rounds 1 and 2; a small decrease was seen. Retailer engagement was mixed, with 9 retailers failing to provide a response to the project's communications after round 1; 8 retailers then had the same or had lower compliance in round 2. Reasons for non-compliance in both rounds were for a number of reasons, with missing information or labels, and formatting both seen as reasons. BIO also observed some issues in round 2 where the visibility of online information did not comply, due to the nested label display not providing the information as specified by requirements.

However, there were a number of positive examples from the survey – 11 retailers did propose remedy actions and 6 of these saw an improvement of over 20 percentage points in round 2. One retailer who did not respond to the project was seen to make a round 2 improvement of 35 percentage points.

Therefore in most cases where good contact could be established by the project team, remedy actions and increased compliance were able to be achieved; however it appears some barriers to engagement remained from a relatively large section of the sample as well. No overall trend across the whole sample was seen - retailer responses seemed to be quite markedly divided into two outcomes.

## **Austria**

As with 'physical' stores, AEA was able to engage in a dialogue with the majority of the online retailers it checked. No contact could be established with only three retailers.

A small improvement was seen in round 2. Barriers to compliance that were reported by retailers included some issues with coding and programming, and difficulty with getting required product data from manufacturers. The main source of overall improvement came from 5 stores who increased compliance in round 2 by over 50 percentage points; the majority of stores did not improve or regress significantly. However, over half the stores checked did not appear to have implemented display of the label and fiche in listings at the time of the inspection.

## **Germany**

Online retailers in Germany had the highest compliance in both rounds, and many of those checked in round 2 had begun to implement display of the label and fiche in listings (18 out of 20). A low level of engagement from retailers was observed, with only 2 retailers responding to communications. One challenged the results and asked for further guidance, with the other requesting details of the non-compliance to enable correction.

The state of play regarding online labelling in Germany appears fairly healthy from the project's experience, compared to in other nations checked at 60% compliant, although there does remain scope to include this. Formatting issues were the most common reason for non-compliance.

## **3.4 Conclusions; outcomes and experiences from discussions with retailers**

Online energy labelling remains at a much lower level of compliance than in-store, and experiences appear to show that e-shops are less engaged on this than physical shops. The update in legislation should reduce the administrative burden and make compliance easier – the small increase in compliance suggests this has already been of some benefit online to retailers.



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This level of engagement is visible in the slow implementation of the requirements for e-shops to now display the energy label and product fiche in listings; analysis for Deliverable 3.2 suggested around one-third of online retailers checked had still not attempted to adapt listings to comply with the new requirements around 9 months after coming into force.

This situation should continue to improve as more awareness is raised on the matter, and there now exists a number of online resources for obtaining energy label templates (although manufacturers should make the label freely available to retailers) or web listing templates that take into account the new requirements.

Engagement with online retailers suggests there is still significant scope for providing guidance in this area, and as online sales continue to increase, provision of compliant and accessible online energy information remains crucial to ensuring further market transformation. Again, this is an area where more formal involvement of MSAs could facilitate a quick improvement in compliance, in what is a relatively simple process.



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More information  
about the project activities  
and all of its results  
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