



# Best Practices for Enforcing Lighting Regulations

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# Outline

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- Introduction to enforcement
- Developing an enforcement strategy
- Different components of an enforcement strategy
- Resources for enforcement examples and best practice

# What is the 'E' in MVE?

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- **M - MONITORING** - the collection and analysis of data using agreed test methods to give an accurate picture of programme progress and compliance
- **V - VERIFICATION** – determines whether a product actually performs according to its claimed energy performance value; often a third-party test
- **E - ENFORCEMENT** – action taken in response to non-compliance offences with a suite of timely and appropriate actions; built on rigorous testing and yields a high return in terms of market and consumer protection

# Enforcement: *Safeguarding the Success of S&L Programmes*

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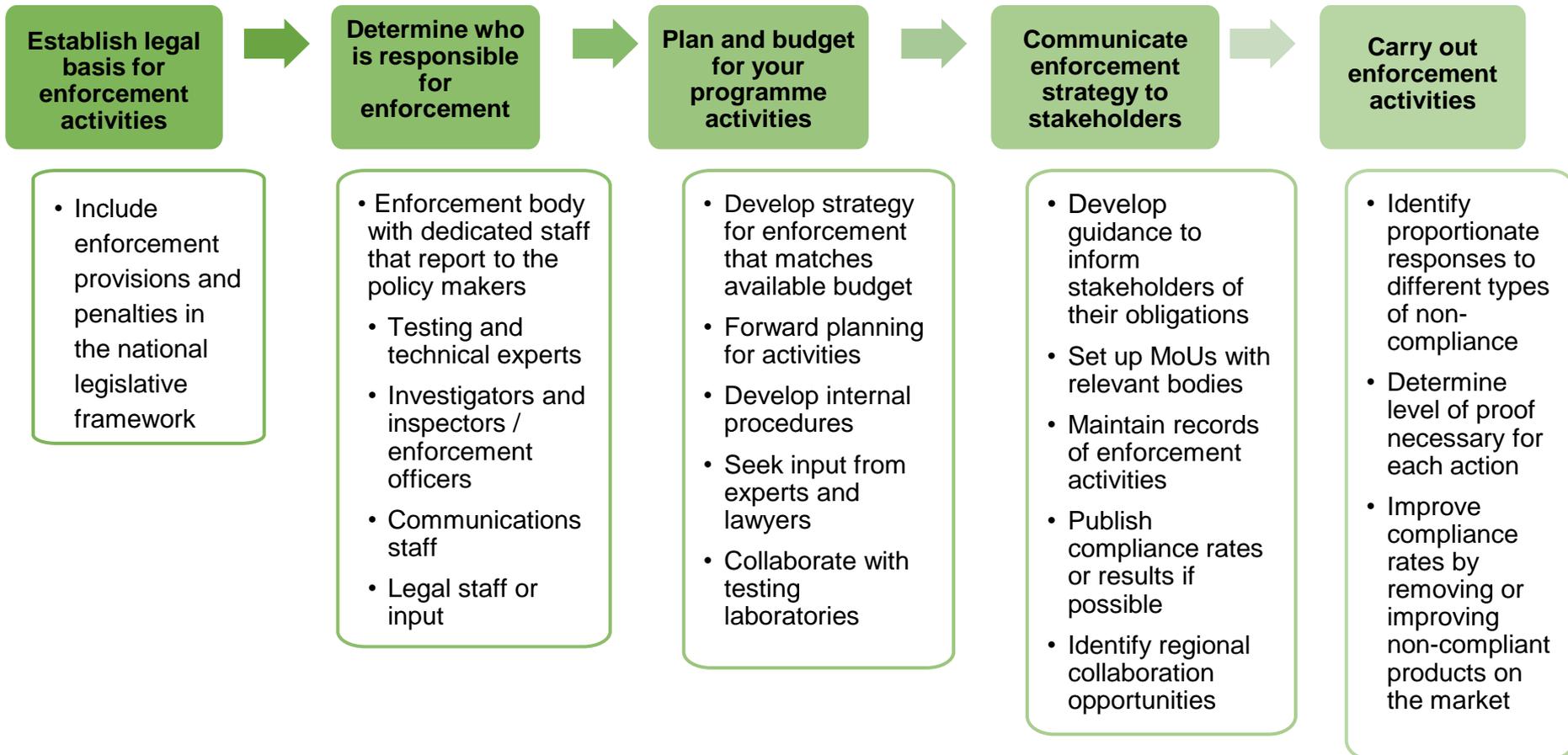
- It has been said of national level compliance that:
  - *“20 percent of the regulated population will automatically comply with any regulation,*
  - *5 percent will attempt to evade it,*
  - *and the remaining 75 percent will comply as long as they think that the 5 percent will be caught and punished”*

- Chester Bowles, 1971

- **Enforcement should pose a credible threat to effectively deter non-compliance**

# Planning for Enforcement of S&L Programmes

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# Establish a Legal Framework for Enforcement

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- Assess existing regulations, administrative rules and authorities
  - Existing laws – including environmental, consumer protection and product safety - can form basis for energy efficiency enforcement
  - Are these sufficient and appropriate?
  - Are new provisions or legislation required?
- The following elements should be addressed:

Legislation	Administrative Rules
Definitions and responsibilities of all participants	Consultation processes
Powers to support enforcement authorities	Public accountability
Penalties or sanctions	Reporting of outcomes

# Determine Roles and Responsibilities

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- Stakeholder and agency responsibilities must be clearly defined
  - Identify roles of agencies
  - Enforcement staff should have clear responsibilities and be well trained
  - Enforcement staff should be equipped with sufficient powers
- The programme should be flexible and able to respond to programme requirements

## Staff required for enforcement

Investigators and enforcement officers

Communications and outreach staff

Testing and technical staff

Legal team and experts

# Budgeting for Enforcement

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- ***Higher investment = more cost effective + more impact***
- Each programme is different and will require different levels of investment to adapt to market needs
  - Ex. Larger market – more staff; smaller market – less staff

## Typical costs include:

- Establishment costs (communications, reporting, etc.)
- Management, administrative and investigator staff costs
- Legal advice and enforcement action costs

## Potential funding sources:

- Recouping costs from non-compliant manufacturers
- Registration costs (where products are registered on the market)
- Penalties from enforcement sanctions

# Types of Non-Compliance

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- There are numerous forms of non-compliance:
    - Responsibility of different parties
    - At different stages of programme implementation
    - Different levels of non-compliance
    - Different cases of non-compliance dependent on national programme requirements
  - Each case requires careful consideration and a proportionate and fair response
- Missing energy label or energy performance rating information
  - Misuse of a voluntary or mandatory energy label
  - Failure to register a product
  - Failure to provide proof of testing
  - Failure to submit product for testing
  - Failure to cooperate with authorities
  - Inaccurate energy performance information or energy label

# Communication of Enforcement Strategy

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- Communication from the outset can help suppliers comply from the outset
- Guidance should be provided to stakeholders on:
  - What the requirements are and how to comply
  - What the repercussions of non-compliance will be
- Enforcement activities should be reported regularly to ensure transparency
- Test results can be published: *naming & shaming*

**Attention Consumers**

FOLLOWING AIR CONDITIONERS FAILED TO MEET THE ENERGY CONSUMPTION DECLARED ON THEIR LABEL:

Manufacturer No. Logo	Manufacturer/Company Name	Brand	Model	Star Rating	EER in Sample 1	EER in Sample 2	Result
1	IFFB Industries Limited	IFFB	ACCLIMATE	3	3.02	2.65	FAIL
2	Induspan Industries Limited	Induspan	ACCLIMATE	3	2.96	2.71	FAIL
3	Wharfedale Industries Limited	Wharfedale	ACCLIMATE	3	3.04	2.68	FAIL

EER represents Energy Efficiency Ratio

This notice has been issued in compliance with the provision of regulation of the Bureau of Energy Efficiency (Particulars & Manner of their Display on Labels of Room Air Conditioners) Regulations, 2009.



# Carry Out Enforcement Activities

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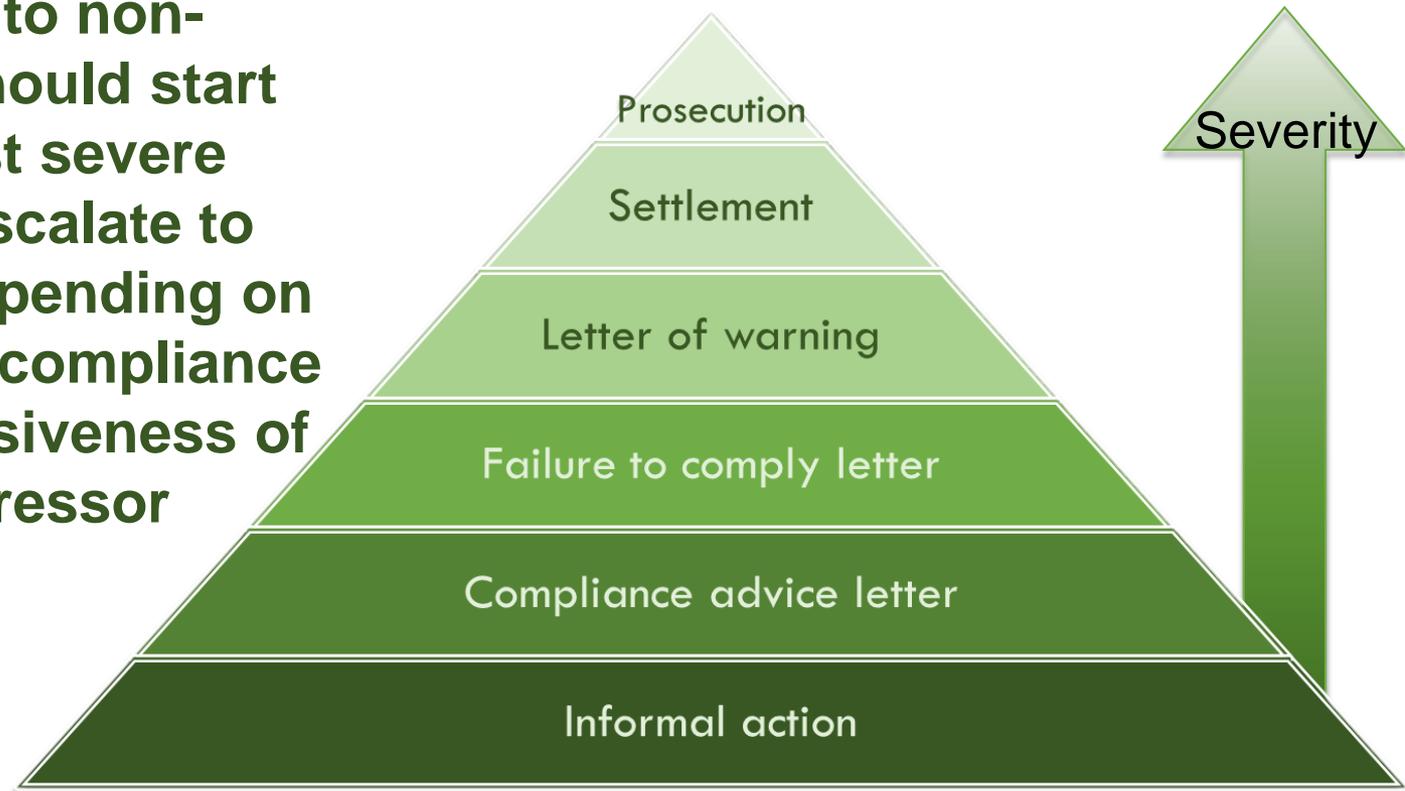
- When non-compliance is identified, enforcement officers must consider severity of the case to determine next steps
- Where unintentional and/or minor infraction
  - Less investment required to prove non-compliance
- Where intentional and/or major infraction
  - More investment required to prove non-compliance
  - Higher burden of proof required with thorough investigations of level of infraction and impact on consumers

**The enforcement regime must enable authorities to respond in a timely manner, to minimize impact of the offence on consumers and other market participants**

# Escalation of Enforcement Action

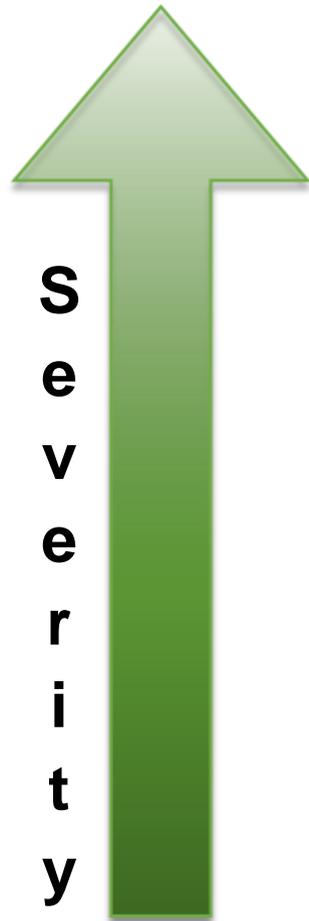
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**Responses to non-compliance should start with the least severe action, and escalate to more severe depending on the type of non-compliance and the responsiveness of the transgressor**



# Benefits and Risks of Different Actions

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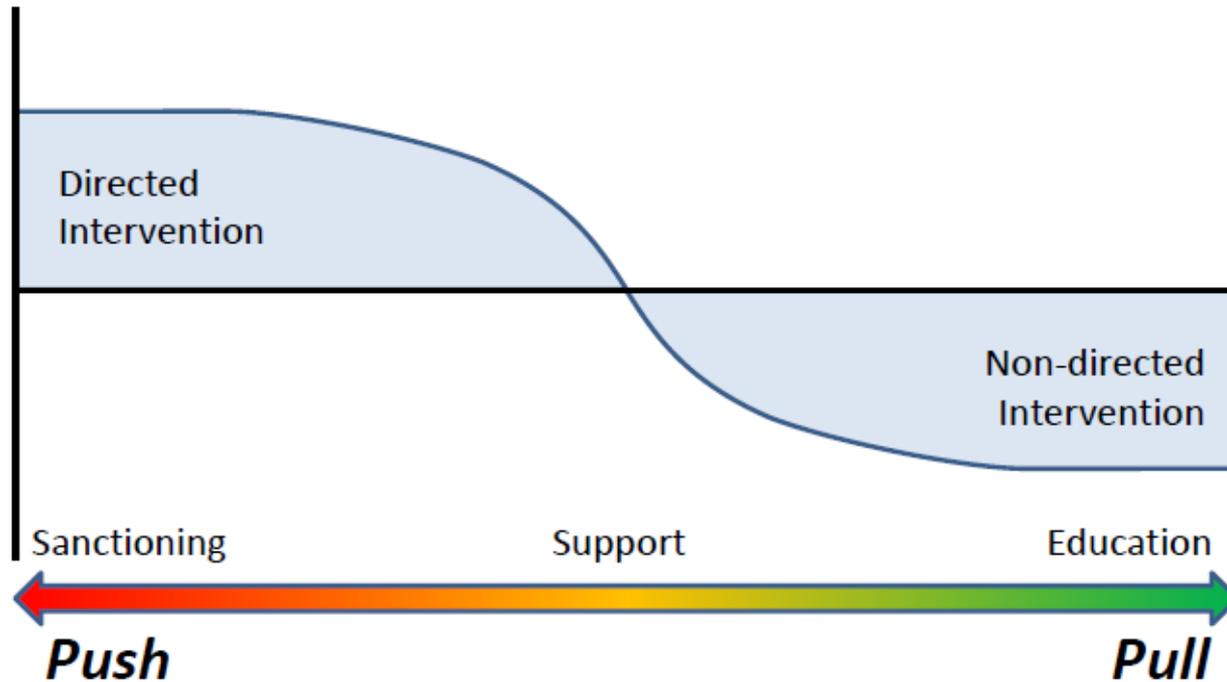


- Most severe – ***Prosecutions***
  - Most efficient deterrent
  - Higher costs
  - Lengthier process
  
- Least severe – ***Informal actions***
  - Flexible tool
  - Maintain good relations with stakeholders
  - Less costly
  - Not the strongest deterrent for non-compliance

# How the UK Approaches Enforcement

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## Balanced Enforcement Model



# Benefits of Regional Collaboration

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- Where regional MVE networks exist, enforcement information can be shared between different economies
  - Helps identify non-compliance in other regions for more cost effective market surveillance
  - Learning from each other's experiences and best practices



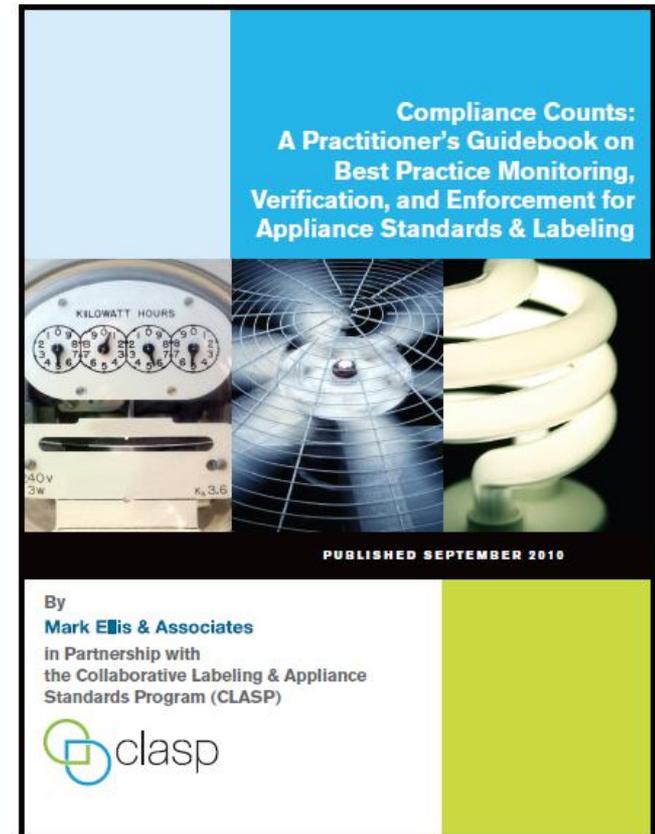
For example:  **Ecopliant**

- Product registry:
  - Useful tool for storing test results and enforcement follow up actions to track and monitor activities at a national and regional level

# Other Valuable Resources

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- en.lighten Toolkit – Section 4 – [available on the en.lighten website](#)
- Compliance Counts Guidebook – [available on CLASP website](#)
- Efficient Lighting MVE Guidebooks – coming later this year
- CLASP MVE Economy Profiles – coming soon on the CLASP website!



# Thank you!



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