Guidance Notes\textsuperscript{1}

Covering the Energy Information Regulations 2011 and the Regulations under these:

Televisions

Household Dishwashers

Household Washing Machines

Household Refrigerating Appliances

\textsuperscript{1} Updated November 2011
This guidance is intended to assist those placing products on the UK market in their understanding of the application of EU Regulations made under the Energy Labelling Framework Directive.

It aims to explain the EU Regulations, although interpretation of the law is for the courts. Although reference is made to existing legislation, following this guidance is not in itself obligatory. However, if you do follow it you will normally be doing enough to help your organisation meet its legal obligations in respect of the legislation covered in this guidance.

The EU Regulations themselves should always be read and understood, as they constitute the law. This guidance is informative and has no legal authority. However, in considering any breach of legislation that is the subject of this guidance, this guidance could be a relevant consideration for a court, depending on the circumstances of the particular case.

You should refer to the EU Regulations themselves for a full statement of the legal requirements and in the case of any doubt take independent advice, including your own legal advice.

EU Regulations may be revised from time to time, so users should take care to keep themselves informed.

The European Commission is also considering producing guidance for some of the delegated regulations made under the Energy labelling Framework Directive. We will review this guidance in light of any such additional guidance.
1. Background

On 22 September 1992, the Council of the European Union unanimously adopted a Framework Directive for the mandatory energy labelling of household products (92/75/EEC). The Directive delegated responsibility to the European Commission to prepare and adopt detailed application directives for specific product types, which are then implemented in the UK through statutory instruments (SI) made under section 2(2) of the European Communities Act 1972.

Thus far, application directives (and therefore UK SIs) have been adopted by the European Commission covering: refrigerators and freezers, washing machines, electric tumble dryers, combined washer-dryers, dishwashers, lamps, air conditioners and electric ovens.

In 2008, it was considered appropriate that the Directive be recast, as several amendments were required. This recast expanded the scope to mirror the recently revised Eco-Design Directive (2009/125/EC), in particular expanding from domestic energy using products to all (including commercial) energy using and energy related products. The recast Energy Labelling Framework Directive (2010/30/EU), also clarified the coverage regarding distance sales, such as internet and catalogue sales, and introduced new requirements for advertisements. In addition, it enables the Commission to produce delegated regulations for each product area covered that will be directly applicable in the UK and do not require transposition.

The Directive entered into force on 19th June 2010. EU Member States had a year to transpose the Directive into national law and on 20th July 2011 the UK Statutory Instrument, the Energy Information Regulations 2011 (SI 2011/1524), entered into force. The UK Energy Information Regulations transpose the requirements as laid out in the Directive, as well as applying the provisions to each delegated regulation, including the implementing directives agreed under the earlier Framework Directive.

The individual delegated regulations aim, through the use of energy labels, to provide clear and easily recognisable information for consumers about the energy consumption and performance of products. The most significant aspect of the label is the energy efficiency rating, which provides a simple way of comparing enabling consumers to make a considered choice when purchasing products. It also enables retailers to make more informed stocking decisions based on energy consumption. As well as overall energy consumption the new labels now use pictograms to depict other relevant energy related information such as screen size in TVs and water consumption for washing machines.

Four delegated regulations have already been agreed under the new Directive:
- Televisions
- Household Dishwashers
- Household Washing Machines
- Household Refrigerating Appliances

Three of these (dishwashers, washing machines and refrigerating appliances) will replace previous implementing directives when the requirements come into effect. Their inclusion in schedule 1 of the UK statutory instrument means they are
enforceable in the UK. This schedule will be amended when new delegated regulations are approved and before they enter into force.
Energy Information Regulations 2011

Scope:

The final decision as to which products are included within the scope of the delegated regulations are set at a European level; no individual Member State can provide definitive interpretation or advice on specific borderline cases. In these cases it may be necessary to seek independent advice to come to a final decision.

Definitions:
Definitions such as that of ‘energy related product’ and ‘manufacturer’ can be found within Directive 2010/30/EU.

Additional specific definitions relating to individual regulations are contained within the relevant regulations.

Duties:
The responsibilities in this regulation are split between:

Suppliers
Must supply a label and a product fiche with products covered by a delegated regulation.

Must provide labels free of charge, and quickly to dealers.

Produce technical documentation, and make it available for inspection and to the enforcement authority for a period of five years after the product has stopped being manufactured.

Make an electronic version of the technical documentation available on request to the market surveillance authority and the Commission within 10 days of receipt of the request.

Ensure that information contained on the label or fiche is accurate.

Dealers
Must make available to end users a label and a fiche for products covered by Delegated regulation.

Must attach the label on display models in a clearly visible position as laid out in each delegated regulation.

Information:
Some of these information requirements have been added with the recast of the Energy Labelling Framework Directive, therefore these are new requirements. This
is split into two sections, information requirements (including new requirements on advertising) and misleading information.

The information requirements are to ensure that end users who will not be able to see a product before purchase, due to distance selling (for example internet or catalogue sales), are still informed of energy consumption and other information required by the delegated regulations. Each delegated regulation sets out the information that must be provided.

The new requirement on advertising is that anyone who advertises a specific model of a product, which is covered by an EU regulation as mentioned in schedule 1, must include a reference to the energy efficiency class, if energy-related or price information is disclosed. This is also set out in the individual delegated regulations.

The misleading information requirements are to ensure consumers are not misled by incorrect or confusing information. This can be any label, mark or symbol, which may cause confusion over the energy consumption of the product. For example, this might include a mark which contradicts the energy label or which mimics the energy label.

The Committee of Advertising Practice has produced three rules under the Advertising Codes. It is considered to that by adhering to these rules when communicating, that you will be adhering to the advertising requirements of Regulation 9 (3) of the SI.

These codes are available here: http://www.cap.org.uk/The-Codes.aspx

To note that at time of writing this guidance, these rules were draft and still subject to consultation.

**Offences:**

It is an offence for any person to not adhere to the requirements of regulations 7 to 10 of the Energy Information Regulations 2011. It is also an offence not to meet the requirements as laid out in each delegated regulation referenced in schedule 1. It is also an offence not to comply with instructions or obstruct the conduct of an authorised person. This is someone acting under their powers or duties for the market surveillance authority.

An authorised person (in this case the Market Surveillance Authority, MSA) has the powers to enter any premise, with the exception of those mainly or solely used as a private dwelling, if necessary for carrying out their duties. This is laid out in schedule 2, along with more detail on when and how these powers may be used.

**Enforcement:**

Directive. RAMS applies to “any community harmonisation legislation” (in this case any delegated regulation under the Energy Labelling Directive or an implementing measure under the Eco-design Directive) which harmonises the conditions for the marketing of products. RAMS is a directly applicable EU Regulation which requires Member States to designate “MSAs to undertake enforcement. RAMS requires MSAs to prohibit or restrict the sale or withdraw from sale any product which does not comply with a directly applicable EU community harmonisation legislation (for example, any directly applicable implementing measure Regulation under Article 16. The National Measurement Office (NMO, an agency of the Department for Business, Innovation and Skills (BIS) is designated for the purposes of RAMS as the MSA.

The Secretary of State is responsible for enforcement of the requirements 7 to 10 of the Energy Information Regulations. Following a consultation in 2009, the National Measurement Office was given delegated responsibility for monitoring and enforcing the supplier responsibilities as well as the information requirements.

Trading Standards Officers have kept the enforcement responsibility for dealer responsibilities for point of sale display of the label as well as the information requirements.

The Advertising Standards Authority (ASA) will monitor and use a self-regulatory means to enforce the rules of the Advertising codes, which cover the information requirements within the regulation.

**Further Guidance:**
The National Measurement Office has produced guidance for the use of civil sanctions and cost sharing. This is available at: [http://www.bis.gov.uk/nmo/enforcement/eup-home/civil-sanctions](http://www.bis.gov.uk/nmo/enforcement/eup-home/civil-sanctions)

The ASA has written guidance on the use of their Advertising Codes. This is available at: [http://www.asa.org.uk/](http://www.asa.org.uk/)
Delegated Regulations
Each delegated regulation includes the following information:

Subject matter and scope
Describes the products to which this measure applies and also sets out exemptions, such as, for example custom made appliances or those that can only be battery operated. More detailed information about specific exemptions and detailed coverage may also be found in the Annexes to the individual implementing measures.

Definitions
Defines various key words or phrases that are contained in the regulation, such as product definitions or features.

Responsibilities of suppliers
Describes the responsibilities of suppliers. The Framework Directive (2010/30/EU) uses the definition
“ ‘Supplier’ means the manufacturer or its authorised representative in the Union or the importer who places or puts into service the product on the Union market. In their absence, any natural or legal person who places on the market or puts into service products covered by this Directive shall be considered a supplier”

Responsibilities of dealers
Describes the responsibilities of dealers. The Framework Directive (2010/30/EU) uses the definition:
“ ‘Dealer’ means a retailer or other person who sells, hires, offers for hire-purchase or displays products to end users.”

Measurement methods
Indicates which measurement methodologies are defined as those capable of producing reliable, accurate and reproducible results. This is often the most up to date methodology, which has been published in the Official Journal of the European Union for that purpose.

Verification procedure for market surveillance purposes
Indicates how market surveillance authorities should assess whether a product meets the eco-design standards required by this measure.

Revision
Gives the date by which the Commission should have reviewed the implementing measure and presented the results to Member States.

Repeal
States whether any existing legislation has been repealed as a result of this Regulation.

Entry into force
Gives the date on which the Delegated Regulation enters into force or the way in which this is determined. If no date is included the measure normally enters into force 20 days after publication in the Official Journal of the European Union.
4. Further sources of information

Advice for business

National Measurement Office (www.bis.gov.uk/nmo)
The National Measurement Office (NMO) is the appointed market surveillance authority.

Advertising Standards Authority (http://www.asa.org.uk/Advertising-Codes.aspx)
Link to the advertising codes as well as guidance on their use.

Trading Standards (www.tradingstandards.gov.uk)
Trading Standards Officers are responsible for enforcing the responsibilities on dealers to attach and display the label at point of sale.

Business Link (http://www.businesslink.gov.uk)
Overview information on the Energy Information Regulations 2011 and Eco-design for Energy Related Products Regulation 2010 can be found on the national website.

Label templates
Templates of the various labels are available from: http://ec.europa.eu/energy/efficiency/labelling/energy_labelling_en.htm
These can be downloaded directly and copied and pasted or imported into commonly available computer packages, where they can be manipulated before printing. Use the specifications in the delegated regulations regarding font, size and colour of the label.

Legal references


Links for the Regulations under the Framework Directive are given in the Annexes covering the specific measure.

Contacts
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Annex 1 – Energy Labelling of Televisions

Commission Delegated Regulation (EU) No 1062/2010 with regard to energy labelling of televisions

Subject matter
The regulation establishes requirements for the energy labelling and provision of product information for televisions, to enable the consumer to make informed buying decisions.

Requirements
The Regulation entered into force on 20 December 2010. The Regulation will apply from 30 November 2011, which is when the first requirements will become mandatory for both suppliers and dealers. However, the requirements in italic will become mandatory from 30 March 2012.

Responsibilities of suppliers
1. Suppliers shall ensure that:
   a) Each television must be supplied with a printed label in the format and containing the information as set out in Annex V of the Regulation, this includes the design of the label, which clearly lays out the shape, colour and size of the label;

   (Note: Please take note of the typing error within the regulation where under Annex V Label 1, the sentence beginning ‘For televisions with an easily visible switch...' should relate to VII of the diagram.)
   b) A product fiche must be made available, as set out in Annex III;
   c) The technical documentation, as set out in Annex IV must be made available on request to the market surveillance authorities of Member States and to the European Commission. In the UK, this information must be made available on request to the National Measurement Office, the UK’s appointed market surveillance authority for Ecodesign and Energy Labelling acting on behalf of the Secretary of State;
   d) Any advertisements for a specific television model must include the energy efficiency class of that model, if the advertisement discloses energy-related or price information;
   e) Any technical promotional material concerning a specific television model, which describes its specific technical parameters, must include the energy efficiency class of that model.

2. The energy efficiency classes shall be based on the Energy Efficiency Index (EEI). The calculation methodology of the Energy Efficiency Index is explained in Annex II of the Regulation.

3. The format of the label, as set out in Annex V, shall be applied according to the following timetable, in order to encourage the manufacturing of more efficient TVs and to advertise these as such:
   a) From 30 November 2011:
i. Televisions placed on the market with an energy efficiency class of A, B, C, D, E, F or G must use the A to G label as outlined under point 1 of Annex V of the Regulation. Where deemed appropriate by suppliers, televisions with the above energy classes may also use the A+ to F label outlined in point 2 of Annex V;

ii. Televisions placed on the market with an energy efficiency class of A+ must use the A+ to F label outlined in point 2 of Annex V;

iii. Televisions placed on the market with an energy efficiency class of A++ must use the A++ to E label outlined in point 3 of Annex V;

iv. Televisions placed on the market with an energy efficiency class of A+++ must use the A+++ to D label outlined in point 4 of Annex V.

b) From 1 January 2014, televisions placed on the market with an energy efficiency class of A+, A, B, C, D, E or F must use the A+ to F label outlined in point 2 of Annex V. Where deemed appropriate by suppliers, televisions with the above classes may also use the A++ to E label outlined in point 3 of Annex V;

c) From 1 January 2017, televisions placed on the market with an energy efficiency class of A++, A+, A, B, C, D or E must use the A++ to E label outlined in point 3 of Annex V. Where deemed appropriate by suppliers, televisions with the above classes may also use the A+++ to D label outlined in point 4 of Annex V;

d) from 1 January 2020, televisions placed on the market with an energy efficiency class of A+++, A++, A+, A, B, C and D must use the A+++ to D label outlined in point 4 of Annex V.

In practice this means that the different versions of the label and the information contained within the label can be used on a voluntary basis before its use becomes mandatory.

**Responsibilities of dealers**

Dealers shall ensure that:

a) The label provided by suppliers, in accordance with Article 3(1), must be displayed on each television at the point of sale. The label must be clearly visible on the front of the television;

b) Where the end-user cannot be expected to see the television displayed in store, televisions offered for sale, hire or hire-purchase must be marketed with the information provided by suppliers in accordance with Annex VI;

c) Any advertisement for a specific television model must contain the energy efficiency class, if the advertisement discloses energy-related or price information about the model;

d) Any technical promotional material concerning a specific television model which describes its specific technical parameters, must include the energy efficiency class of that model.

**Measurement methods**
The information to be provided by suppliers and dealers shall be obtained by reliable, accurate and reproducible measurement methods, which take into account the recognised state-of-the-art measurement methods, as set out in Annex VII of the Regulation. The measurement methods to be applied are the latest to be published in the official journal for this purpose.

**Verification procedure for market surveillance purposes**
Member States shall apply the procedure laid down in Annex VIII when assessing the conformity of the declared energy efficiency class. These include the number of units to be tested and the tolerances allowed to be applied.

**Review**
The regulation will be reviewed by the Commission to take into account advances in technology no later than November 2015.

**Legal Text**
Annex 2 – Energy Labelling of Household Dishwashers

Commission Delegated Regulations (EU) No 1059/2010 with regard to energy labelling of household dishwashers

Scope
The regulation updates the requirements for Electric mains-operated household dishwashers and electric mains-operated dishwashers that can also be powered by batteries, including those sold for non-household use and built-in household dishwashers. This enables consumers to make informed purchasing decisions based on a label that takes into account technical advances in the energy efficiency and other essential resource use of dishwashers.

Requirements
The Regulation entered into force on 20 December 2010. The Regulation will apply from 20 December 2011, where the first requirements become mandatory for suppliers and dealers, however, the requirements in italics shall apply from 20 April 2012. Directive 97/17/EC (the previous energy labelling legislation for household dishwashers) is repealed from 20th December 2011.

Responsibilities of suppliers
Suppliers shall ensure that:
(a) each household dishwasher is supplied with a printed label in the format and containing the information as set out in Annex I of the Regulation, this includes the design of the label, which clearly lays out the shape, colour and size of the label;
(b) a product fiche, as set out in Annex II of the Regulation, is made available;
(c) the technical documentation as set out in Annex III of the Regulation is made available on request to the authorities of the Member States and to the Commission;
(d) any advertisement for a specific model of household dishwasher contains the energy efficiency class, if the advertisement discloses energy-related or price information;
(e) any technical promotional material concerning a specific model of household dishwasher which describes its specific technical parameters includes the energy efficiency class of that model.

Responsibilities of dealers
Dealers shall ensure that:
(a) each household dishwasher, at the point of sale, bears the label provided by suppliers in accordance with Article 3(a) on the outside of the household dishwasher, ensuring it is clearly visible;
(b) household dishwashers offered for sale, hire or hire-purchase where the end-user cannot be expected to see the household dishwasher displayed, are marketed with the information provided by suppliers in accordance with Annex IV;
(c) any advertisement for a specific model of household dishwasher contains a reference to its energy efficiency class, if the advertisement discloses energy-related or price information;

(d) any technical promotional material concerning a specific model of household dishwasher which describes its specific technical parameters includes a reference to the energy efficiency class of that model.

In practice, this means that the new label must be provided by a supplier with products being placed on the market on the 20th December 2011. Dealers are responsible for displaying the label that is provided by the supplier, which around the time of the 20th December will be a mixture of old and new labels, due to stock being in storage warehouses etc.

**Measurement methods**
The information to be provided by suppliers and dealers shall be obtained by reliable, accurate and reproducible measurement methods, which take into account the recognised state-of-the-art measurement methods. This means suppliers and the market surveillance authorities are using the same reproducible method. The most recent measurement method is the latest to have been published by the official journal for that purpose.

**Verification procedure for market surveillance purposes**
The measurement methods and procedures that market surveillance authorities shall use when accessing conformity with the declarations on the energy label are as laid down in Annex V. This includes the number of units to be tested and tolerances applied.

**Review**
The regulation will be reviewed by the Commission to take into account advances in technology no later than November 2014.

**Legal Text**
The full text of the Regulation can be downloaded from the Official Journal:
Annex 3 – Energy Labelling of Household Washing Machines

Commission Delegated Regulation (EU) No 1061/2010 with regard to energy labelling of household washing machines

Scope
This regulation updates the requirements for electric mains-operated household washing machines and electric mains-operated household washing machines that can also be powered by batteries, including those sold for non-household use and built-in household washing machines. This enables consumers to make informed purchasing decisions based on a label that takes into account technical advances in the energy efficiency and other essential resource use of washing machines.

Exemptions
Household combined washer-driers are exempt from this regulation as they are within the scope of Commission Directive 96/60/EC with regard to energy labelling of household combined washer-driers.

Requirements
The Regulation entered into force on 20 December 2010. The Regulation will apply from 20 December 2011, which is when the first mandatory requirements for suppliers and dealers take effect; however, the requirements in italics shall apply from 20 April 2012. Directive 95/12/EC (the previous energy labelling legislation for household washing machines) is repealed from 20th December 2011.

Responsibilities of suppliers
Suppliers shall ensure that:
(a) each household washing machine, is supplied with a printed label in the format and containing information as set out in Annex I of the Regulation, this includes the design of the label, which clearly lays out the shape, colour and size of the label.

(b) a product fiche, as set out in Annex II of the Regulation, is made available;

(c) the technical documentation as set out in Annex III of the Regulation is made available on request to the authorities of the Member States and to the Commission;

(d) any advertisement for a specific model of household washing machine contains the energy efficiency class, if the advertisement discloses energy-related or price information;

(e) any technical promotional material concerning a specific model of household washing machine which describes its specific technical parameters includes the energy efficiency class of that model.

Responsibilities of dealers
Dealers shall ensure that:
(a) each household washing machine, at the point of sale, bears the label provided by suppliers in accordance with Article 3(a) on the outside of the household washing machine, ensuring it is clearly visible;

(b) household washing machines offered for sale, hire or hire-purchase where the end-user cannot be expected to see the product displayed are marketed with the information to be provided by suppliers in accordance with Annex IV;

(c) any advertisement for a specific model of household washing machine contains a reference to its energy efficiency class, if the advertisement discloses energy-related or price information;

(d) any technical promotional material concerning a specific model of household washing machine, which describes its specific technical parameters includes a reference to the energy efficiency class of that model.

In practice, this means that the new label must be provided by a supplier with products being placed on the market on the 20th December 2011. Dealers are responsible for displaying the label that is provided by the supplier, which around the time of the 20th December will be a mixture of old and new labels, due to stock being in storage warehouses etc.

**Measurement methods**

The information to be provided by suppliers and Dealers shall be obtained by reliable, accurate and reproducible measurement procedures, which take into account the recognised state-of-the-art measurement methods. The most recent measurement method is the latest to have been published by the official journal for that purpose.

**Verification procedure for market surveillance purposes**

Member States shall apply the methods and procedure laid down in Annex V of the Regulation when assessing the conformity with the declarations on the energy label. This includes the number of units to be tested and tolerances allowed.

**Review**

The regulation will be reviewed by the Commission to take into account advances in technology no later than November 2014.

**Legal Text**

Annex 4 – Household Refrigerating Appliances

Commission Delegated Regulation (EU) No 1060/2010 with regard to energy labelling of household refrigerating appliances

Scope
This Regulation applies to electric mains-operated household refrigerating appliances with a storage volume between 10 and 1 500 litres, including those sold for non-household use or for the refrigeration of items other than foodstuffs and including built-in appliances. It shall also apply to electric mains-operated household refrigerating appliances that can be battery-operated. This enables consumers to make informed purchasing decisions based on a label that takes into account technical advances in the energy efficiency and other essential resource use of refrigerating appliances, particularly in the later few years where refrigerators have saturated the top labelling classes making it difficult to differentiate the best performing products.

Exemptions
This Regulation shall not apply to:
(a) refrigerating appliances that are primarily powered by energy sources other than electricity, such as liquefied petroleum gas (LPG), kerosene and bio-diesel fuels;
(b) battery-operated refrigerating appliances that can be connected to the mains through an AC/DC converter, which is purchased separately;
(c) custom-made refrigerating appliances, made on a one-off basis and not equivalent to other refrigerating appliance models;
(d) refrigerating appliances for tertiary sector (e.g. retail, commercial units) application where the removal of refrigerated foodstuffs is electronically sensed and that information can be automatically transmitted through a network connection to a remote control system for accounting;
(e) appliances where the primary function is not the storage of foodstuffs through refrigeration, such as stand-alone ice-makers or chilled drinks dispensers.

Requirements
The Regulation entered into force on 20 December 2010. The Regulation will apply from 30 November 2011, however, the requirements in italics shall apply from 30 March 2012. Directive 94/2/EC (the previous energy labelling legislation for refrigerating appliances) is repealed from 30th November 2011.

Responsibilities of suppliers
Suppliers shall ensure that:
(a) each household refrigerating appliance is supplied with a printed label in the format and containing information as set out in Annex II of the regulation;
(b) a product fiche, as set out in Annex III of the regulation, is made available;
(c) the technical documentation as set out in Annex IV of the regulation is made available on request to the authorities of Member States and to the Commission;
(d) any advertisement for a specific model of household refrigerating appliance contains the energy efficiency class, if the advertisement discloses energy-related or price information;

(e) any technical promotional material concerning a specific model of household refrigerating appliance which describes its specific technical parameters includes the energy efficiency class of that model.

Responsibilities of dealers
Dealers shall ensure that:
(a) each household refrigerating appliance at the point of sale bears the label provided by suppliers (in accordance with suppliers’ responsibility point (a) above) on the outside of the front or top of the appliance, in such a way as to be clearly visible;

(b) household refrigerating appliances offered for sale, hire or hire purchase where the end-user cannot be expected to see the product displayed, are marketed with the information to be provided by the suppliers in accordance with Annex V of the regulation;

(c) any advertisement for a specific model of household refrigerating appliance contains its energy efficiency class, if the advertisement discloses energy-related or price information;

(d) any technical promotional material concerning a specific model of household refrigerating appliance, which describes its specific technical parameters, includes the energy efficiency class of that model.

In practice, this means that the new label must be provided by a supplier with products being placed on the market on the 30th November 2011. Dealers are responsible for displaying the label that is provided by the supplier, which around the time of the 30th November will be a mixture of old and new labels, due to stock being in storage warehouses etc.

Measurement methods
The information to be provided by suppliers shall be obtained by reliable, accurate and reproducible measurement procedures, which take into account the recognised state-of- the-art measurement methods, as set out in Annex VI of the regulation. The most recent measurement method is the latest to have been published by the official journal for that purpose.

Verification procedure for market surveillance purposes
Member States shall apply the procedure laid down in Annex VII of the regulation when assessing the conformity with the declarations on the energy label. This includes the number of units to be tested and tolerances allowed.

Review
The regulation will be reviewed by the Commission to take into account advances in technology no later than November 2014.
Legal Text
The full text of the Regulation can be downloaded from the Official Journal: