



Enforcement Corrects and Deters Non-Compliance

Strategic compliance programmes safeguard energy savings, CO₂ emissions reductions, and other benefits from appliance efficiency programmes. They bolster the credibility of standards and labels, protect consumers, and create a fair playing field for suppliers of energy-efficient and quality products. Through conformity assessment, market surveillance, and **proportionate enforcement actions**, inefficient and low-quality products are identified, improved, or removed from the market.

Enforcement is the final compliance step. It involves responding to and deterring non-compliance through appropriate and proportionate actions. Effective enforcement involves three key activities:



Appliance energy efficiency and compliance programmes should include a range of enforcement actions to address different types of non-compliance. An assessment of the severity and impacts of each offence is crucial to determine what type of enforcement action is most suitable. Robust evidence will be necessary to apply legal penalties or other severe actions, but informal actions may be more appropriate and effective, delivering timely solutions to less severe offences. Communication is critical to deter future cases of non-compliance by the offender and other stakeholders.

Appropriate and proportionate enforcement actions ensure that:



Inefficient or poor quality products are removed from the market.



Suppliers are treated fairly with a chance to correct non-compliance.



Consumers are protected from negligent suppliers' actions and claims.



Resources are used effectively to proportionately address various severity levels of non-compliance.

Assessing Types of Non-Compliance

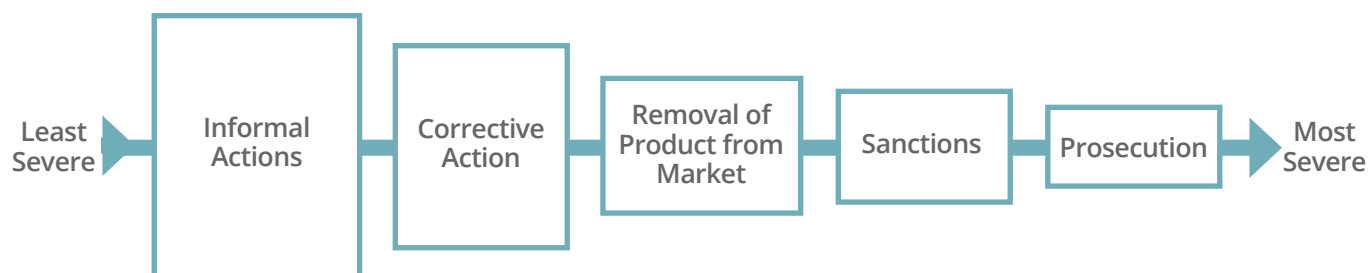
There are many types of non-compliance, and not all instances are alike. To identify a proportionate response, compliance authorities must assess the severity and impact of the offence, as well as the intent. Severe cases of non-compliance have grave impacts on consumers and competitors, while minor infractions can have little to no impact and are easily rectified. Accidental cases of non-compliance, such as misprinted labels, do not warrant the same response as cases of deliberate non-compliance that actively cheat customers out of energy savings.

Addressing Non-Compliance

After identifying and assessing cases of non-compliance, compliance authorities must take appropriate and proportionate actions to address and rectify offences. A range of enforcement tools should be available to provide flexibility to address both minor and major infractions. Energy efficiency regulations often specify a short list of penalties that must be applied, but many other tools ranging from informal actions to severe actions can be used to address non-compliance in a timely and cost-effective way.

Using Proportional Responses to Cases of Non-Compliance

The majority of offences will only require informal responses, such as agreements to comply within a specified timeframe. Less frequently, severe cases will require sanctions or prosecution, but these responses should be used only when necessary as severe actions are more costly and time-consuming.



Informal Actions

- Flexible
- Avoid lengthy and costly legal processes
- Maintain confidence and trust with industry
- Preferred to programme participants
- Can be used alongside more severe actions
- Not a strong deterrent for non-compliance

Severe Actions

- Most successful at removing and deterring non-compliance
- Costly and time consuming
- Raise risk perception
- Awareness by programme participants may reduce the need to use severe actions
- Require strong burden of proof

In Practice: Communicating Non-Compliance

Communication serves as an effective enforcement tool, deterring non-compliance and discouraging consumers from purchasing non-compliant products. Compliance authorities around the world deploy a variety of tactics.



India's Bureau of Energy Efficiency hosts the Star Label Mobile Application, allowing users to compare labelled products based on key features and monetary savings over a period of time. Users can also use the application to provide feedback and report non-compliant or mislabelled products.



Ghana uses the "No Label, No Good" slogan featured on billboards to crowdsource compliance from consumers. Amongst other activities, the Ghana Energy Commission promotes energy efficiency on television and radio, delivers training events across the country, and hosts an annual energy efficiency roadshow on MEPS and labelling requirements.



China hosts an annual television show where high-level officials present the outcomes of their verification testing programmes, covering a broad range of products and performance requirements and name the manufacturers of non-compliant products. Naming and shaming can be an effective deterrent.

Visit clasp.ngo/impact/compliance to learn more about Enforcement.