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[...] (2020) **XXX** draft

COMMISSION REGULATION (EU) .../...

of **XXX**

amending Regulations (EU) 2019/424, (EU) 2019/1781, (EU) 2019/2019, (EU) 2019/2020, (EU) 2019/2021, (EU) 2019/2022, (EU) 2019/2023 and (EU) 2019/2024 with regard to ecodesign requirements for servers and data storage products, electric motors and variable speed drives, refrigerating appliances, light sources and separate control gears, electronic displays, household dishwashers, household washing machines and household washer-dryers and refrigerating appliances with a direct sales function

(Text with EEA relevance)

This draft has not been adopted or endorsed by the European Commission. Any views expressed are the preliminary views of the Commission services and may not in any circumstances be regarded as stating an official position of the Commission.

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amending Regulations (EU) 2019/424, (EU) 2019/1781, (EU) 2019/2019, (EU) 2019/2020, (EU) 2019/2021, (EU) 2019/2022, (EU) 2019/2023 and (EU) 2019/2024 with regard to ecodesign requirements for servers and data storage products, electric motors and variable speed drives, refrigerating appliances, light sources and separate control gears, electronic displays, household dishwashers, household washing machines and household washer-dryers and refrigerating appliances with a direct sales function

(Text with EEA relevance)

THE EUROPEAN COMMISSION,

Having regard to the Treaty on the Functioning of the European Union,

Having regard to Directive 2009/125/EC of the European Parliament and of the Council of 21 October 2009 establishing a framework for the setting of ecodesign requirements for energy-related products¹, and in particular Article 15 thereof,

Whereas:

- (1) Directive 2009/125/EC empowers the Commission to set ecodesign requirements for energy-related products.
- (2) Provisions on the ecodesign of servers and data storage products, motors, refrigerating appliances, light sources, electronic displays, household dishwashers, household washing machines and refrigerating appliances with a direct sales function were established by Commission Regulations (EU) 2019/424², (EU) 2019/1781³, (EU) 2019/2019⁴, (EU) 2019/2020⁵, (EU) 2019/2021⁶, (EU) 2019/2022⁷, (EU) 2019/2023⁸ and (EU) 2019/2024⁹ (hereafter the “amended Regulations”).

¹ OJ L 285, 31.10.2009, p. 10.

² Commission Regulation (EU) 2019/424 of 15 March 2019 laying down ecodesign requirements for servers and data storage products pursuant to Directive 2009/125/EC of the European Parliament and of the Council and amending Commission Regulation (EU) No 617/2013 (OJ L 74, 18.3.2019, p. 46–66).

³ Commission Regulation (EU) 2019/1781 of 1 October 2019 laying down ecodesign requirements for electric motors and variable speed drives pursuant to Directive 2009/125/EC of the European Parliament and of the Council, amending Regulation (EC) No 641/2009 with regard to ecodesign requirements for glandless standalone circulators and glandless circulators integrated in products and repealing Commission Regulation (EC) No 640/2009 (OJ L 272, 25.10.2019, p. 74).

⁴ Commission Regulation (EU) 2019/2019 of 1 October 2019 laying down ecodesign requirements for refrigerating appliances pursuant to Directive 2009/125/EC of the European Parliament and of the Council and repealing Commission Regulation (EC) No 643/2009 (OJ L 315, 5.12.2019, p. 187).

⁵ Commission Regulation (EU) 2019/2020 of 1 October 2019 laying down ecodesign requirements for light sources and separate control gears pursuant to Directive 2009/125/EC of the European Parliament and of the Council and repealing Commission Regulations (EC) No 244/2009, (EC) No 245/2009 and (EU) No 1194/2012 (OJ L 315, 5.12.2019, p. 209).

⁶ Commission Regulation (EU) 2019/2021 of 1 October 2019 laying down ecodesign requirements for electronic displays pursuant to Directive 2009/125/EC of the European Parliament and of the Council, amending Commission Regulation (EC) No 1275/2008 and repealing Commission Regulation (EC) No 642/2009 (OJ L 315, 5.12.2019, p. 241).

- (3) In order to avoid confusion for manufacturers and national market surveillance authorities about the values to be included in technical documentation, and in relation to verification tolerances, a definition of declared values should be added in the amended Regulations.
- (4) To improve the effectiveness and credibility of the product-specific Regulations and to protect consumers, products able to detect being tested and to automatically alter their performance in test conditions with the objective of reaching a more favourable level for any of the parameters specified in these Regulations or included in the technical documentation or included in any of the documentation provided should not be allowed to be placed on the market.
- (5) The relevant product parameters should be measured or calculated using reliable, accurate and reproducible methods. Those methods should take into account recognised state-of-the-art measurement methods including, where available, harmonised standards adopted by the European standardisation bodies, as listed in Annex I to Regulation (EU) No 1025/2012 of the European Parliament and of the Council¹⁰.
- (6) For electronic displays and for servers and data storage products, harmonised standards have not yet been developed, and relevant existing standards do not cover all necessary regulated parameters, notably as regards High Dynamic Range and Auto Brightness Control for electronic displays and the operating condition class for servers and data storage products. Until the adoption of harmonised standards by the European standardisation bodies for those product groups, the transitional methods set out in this Regulation or other reliable, accurate and reproducible methods, which take into account the generally recognised state-of-the-art, should be used in order to ensure the comparability of measurements and calculations.
- (7) Electronic displays for professional use such as video-editing, computer-aided design, graphics or for the broadcast sector, possess enhanced performance and very specific features that, although usually involving higher energy use, should not be subject to on-mode energy efficiency requirements set for more generic products. Industrial displays designed for use in harsh operating conditions for measuring, testing or process monitoring and control have specific and high requirements, such as those for minimum ingress protection (IP) level 65 as defined in EN 60259 and should not be subject to eco-design requirements set for products designed for use in commercial or domestic environments.

⁷ Commission Regulation (EU) 2019/2022 of 1 October 2019 laying down ecodesign requirements for household dishwashers pursuant to Directive 2009/125/EC of the European Parliament and of the Council amending Commission Regulation (EC) No 1275/2008 and repealing Commission Regulation (EU) No 1016/2010 (OJ L 315, 5.12.2019, p. 267).

⁸ Commission Regulation (EU) 2019/2023 of 1 October 2019 laying down ecodesign requirements for household washing machines and household washer-dryers pursuant to Directive 2009/125/EC of the European Parliament and of the Council, amending Commission Regulation (EC) No 1275/2008 and repealing Commission Regulation (EU) No 1015/2010 (OJ L 315, 5.12.2019, p. 285).

⁹ Commission Regulation (EU) 2019/2024 of 1 October 2019 laying down ecodesign requirements for refrigerating appliances with a direct sales function pursuant to Directive 2009/125/EC of the European Parliament and of the Council (OJ L 315, 5.12.2019, p. 313).

¹⁰ Regulation (EU) No 1025/2012 of the European Parliament and of the Council of 25 October 2012 on European standardisation, amending Council Directives 89/686/EEC and 93/15/EEC and Directives 94/9/EC, 94/25/EC, 95/16/EC, 97/23/EC, 98/34/EC, 2004/22/EC, 2007/23/EC, 2009/23/EC and 2009/105/EC of the European Parliament and of the Council and repealing Council Decision 87/95/EEC and Decision No 1673/2006/EC of the European Parliament and of the Council.

- (8) Vertical static-air cabinets with non-transparent doors are professional refrigerating appliances and are defined in Commission Regulation (EU) 2015/1095¹¹, and therefore should be excluded from Regulation (EU) 2019/2024.
- (9) Further amendments should be made to improve clarity and consistency amongst the Regulations.
- (10) The measures provided for in this Regulation were discussed by the Consultation Forum in accordance with Article 19(1) of Directive 2009/125/EC.
- (11) Regulations (EU) 2019/424, (EU) 2019/1781, (EU) 2019/2019, (EU) 2019/2020, (EU) 2019/2021, (EU) 2019/2022, (EU) 2019/2023 and (EU) 2019/2024 should therefore be amended accordingly.
- (12) The measures provided for in this Regulation are in accordance with the opinion of the Committee established by Article 18 of Directive 2009/125/EC.

HAS ADOPTED THIS REGULATION:

Article 1
Amendments to Regulation (EU) 2019/424

Regulation (EU) 2019/424 is amended as follows:

- (1) Article 6 is replaced by the following:

Article 6
Circumvention

The manufacturer, importer or authorised representative shall not place on the market products designed to be able to detect they are being tested (for example by recognising the test conditions or test cycle) and to react specifically by automatically altering their performance during the test with the aim of reaching a more favourable level for any of the parameters in the technical documentation or included in any documentation provided.’;

- (2) Annexes I, III and IV are amended as set out in Annex I to this Regulation.

Article 2
Amendments to Regulation (EU) 2019/1781

Regulation (EU) 2019/1781 is amended as follows:

- (1) Article 2 is amended as follows:

- (a) in point (2), point (m) is replaced by the following:

‘(m) motors placed on the market before 1 July 2029 as substitutes for identical motors integrated in products placed on the market before 1 July 2021 for motors referred to in Annex I.1 (a), and before 1 July 2023 for motors referred to in Annex I.1 (b), and specifically marketed as such;’;

- (b) in point (3), point (e) is inserted:

¹¹ Commission Regulation (EU) 2015/1095 of 5 May 2015 implementing Directive 2009/125/EC of the European Parliament and of the Council with regard to ecodesign requirements for professional refrigerated storage cabinets, blast cabinets, condensing units and process chillers (OJ L 177, 8.7.2015, p. 19).

‘(e) VSD sold as a single cabinet, consisting of VSDs which are all in conformity with this Regulation.’;

(2) Article 3 is amended as follows:

(a) point (2) is replaced by the following:

‘(2) ‘variable speed drive’ (‘VSD’) means an electronic power converter that continuously adapts the electrical power supplied to a single motor to control the motor’s mechanical power output according to the torque-speed characteristic of the load driven by the motor, by adjusting the power supply to a variable frequency and voltage supplied to the motor. It includes all electronics for protection and auxiliaries which are internal to the VSD.’;

(b) point (23) is added:

‘(23) ‘declared values’ means the values provided by the supplier for the stated, calculated or measured technical parameters in accordance with Articles 5(2) and 5(3), for the verification of compliance by the Member State authorities.’;

(3) Annexes I, II and III are amended as set out in Annex II to this Regulation.

Article 3

Amendments to Regulation (EU) 2019/2019

Regulation (EU) 2019/2019 is amended as follows:

(1) in Article 2, point 28 is replaced by the following:

‘28. mobile refrigerating appliance’ means a refrigerating appliance that can be used where there is no access to the mains electricity grid and that uses extra low-voltage electricity (< 120V DC) or fuel or both as the energy source for the refrigeration functionality, including a refrigerating appliance that, in addition to extra low voltage electricity or fuel, or both, can be electric mains operated via an external AC/DC converter to be purchased separately. An appliance placed on the market with an AC/DC converter is not a mobile refrigerating appliance.’;

(2) Article 6 is replaced by the following:

‘Article 6

Circumvention and software updates

The manufacturer, importer or authorised representative shall not place on the market products designed to be able to detect they are being tested (for example by recognising the test conditions or test cycle) and to react specifically by automatically altering their performance during the test with the aim of reaching a more favourable level for any of the parameters in the technical documentation or included in any documentation provided.

The energy consumption of the product and any of the other declared parameters shall not deteriorate after a software or firmware update when measured with the same test standard originally used for the declaration of conformity, except with explicit consent of the end-user prior to the update. No performance change shall occur as a result of rejecting the update.

A software update shall never have the effect of changing the product's performance in a way that makes it non-compliant with the ecodesign requirements applicable for the declaration of conformity.’;

- (3) Annexes I to IV are amended as set out in Annex III to this Regulation.’.

Article 4

Amendments to Regulation (EU) 2019/2020

Regulation (EU) 2019/2020 is amended as follows:

- (1) in Article 2, point 4 is replaced by the following:

‘4. ‘containing product’ means a product containing one or more light sources, or separate control gears, or both, including luminaires that can be taken apart to allow separate verification of the contained light source(s), household appliances containing light source(s), furniture (shelves, mirrors, display cabinets) containing light source(s).’;

- (2) Article 7 is replaced by the following:

‘Article 7

Circumvention and software updates

The manufacturer, importer or authorised representative shall not place on the market products designed to be able to detect they are being tested (for example, by recognising the test conditions or test cycle) and to react specifically by automatically altering their performance during the test with the aim of reaching a more favourable level for any of the parameters in the technical documentation or included in any documentation provided.

The energy consumption of the product and any of the other declared parameters shall not deteriorate after a software or firmware update when measured with the same test standard originally used for the declaration of conformity, except with explicit consent of the end-user prior to the update. No performance change shall occur as a result of rejecting the update.

A software update shall never have the effect of changing the product's performance in a way that makes it non-compliant with the ecodesign requirements applicable for the declaration of conformity.’;

- (3) Annexes I to IV are amended as set out in Annex VI to this Regulation.

Article 5

Amendments to Regulation (EU) 2019/2021

Regulation (EU) 2019/2021 is amended as follows:

- (1) Article 1(2) is amended as follows:

- (a) point (g) is replaced by the following:

‘(g) electronic displays that are components or sub-assemblies as defined in point 2 of Article 2 of Directive 2009/125/EC;’;

- (b) the following point (h) is added:

‘(h) electronic displays for industrial applications in hostile environments.’;

- (2) Article 2 is amended as follows:
- (a) point (15) is replaced by the following:
- ‘(15) ‘professional display’ means an electronic display designed and marketed for professional use for editing video and graphic images. Its specification shall include all of the following features:
- (a) contrast ratio of at least 1000:1 in accordance with EBU Tech 3320 – Grade 2 or higher monitor;
 - (b) viewing Angle Dependency in accordance with EBU Tech 3320 – Grade 2 or higher monitor;
 - (c) native resolution of at least 2,3 mega pixels;
 - (d) colour Gamut support greater or equal to 38.4% of CIE LUV;
 - (e) colour and luminance uniformity in accordance with EBU Tech 3320 – Grade 2 or higher monitor;’;
- (b) the following point (21) is added:
- ‘(21) ‘industrial display’ means an electronic display designed for use in harsh operating conditions for measuring, testing and process monitoring and control. Its design must provide at least suitability for regular use in ambient temperatures above 40°C, minimum level of ingress protection (IP) ensuring no ingress of dust and complete protection against contact (dust-tight) with no effect for water projected by a nozzle (6.3 mm) against the enclosure, EMC immunity suitable for industrial environments and, in addition at least one of the following: conformal coating of electronic components, assembly potting, impermeable enclosed circuit boards, integrated shatterproof screen or gaskets sealing the display;’;
- (3) in Article 6, the second and third paragraphs are replaced by the following:
- ‘The energy consumption of the product and any of the other declared parameters shall not deteriorate after a software or firmware update when measured with the same test standard originally used for the declaration of conformity, except with explicit consent of the end-user prior to the update. No performance change shall occur as a result of rejecting the update.
- A software update shall never have the effect of changing the product's performance in a way that makes it non-compliant with the ecodesign requirements applicable for the declaration of conformity.’;
- (4) Annexes I to IV are amended as set out in Annex V to this Regulation.

Article 6

Amendments to Regulation (EU) 2019/2022

Regulation (EU) 2019/2022 is amended as follows:

- (1) Article 6 is replaced by the following:

‘Article 6

Circumvention and software updates

The manufacturer, importer or authorised representative shall not place on the market products designed to be able to detect they are being tested (for example by

recognising the test conditions or test cycle) and to react specifically by automatically altering their performance during the test with the aim of reaching a more favourable level for any of the parameters in the technical documentation or included in any documentation provided.

The energy consumption of the product and any of the other declared parameters shall not deteriorate after a software or firmware update when measured with the same test standard originally used for the declaration of conformity, except with explicit consent of the end-user prior to the update. No performance change shall occur as a result of rejecting the update.

A software update shall never have the effect of changing the product's performance in a way that makes it non-compliant with the ecodesign requirements applicable for the declaration of conformity.’;

- (2) Annexes I, III and IV are amended as set out in Annex VI to this Regulation.

Article 7

Amendments to Regulation (EU) 2019/2023

Regulation (EU) 2019/2023 is amended as follows:

- (1) Article 6 is replaced by the following:

‘Article 6

Circumvention and software updates

The manufacturer, importer or authorised representative shall not place on the market products designed to be able to detect they are being tested (for example by recognising the test conditions or test cycle) and to react specifically by automatically altering their performance during the test with the aim of reaching a more favourable level for any of the parameters in the technical documentation or included in any documentation provided.

The energy consumption of the product and any of the other declared parameters shall not deteriorate after a software or firmware update when measured with the same test standard originally used for the declaration of conformity, except with explicit consent of the end-user prior to the update. No performance change shall occur as a result of rejecting the update.

A software update shall never have the effect of changing the product's performance in a way that makes it non-compliant with the ecodesign requirements applicable for the declaration of conformity.’;

- (2) Annexes I, III, IV and VI are amended as set out in Annex VII to this Regulation.

Article 8

Amendments to Regulation (EU) 2019/2024

Regulation (EU) 2019/2024 is amended as follows:

- (1) in Article 1(3), point (e) is replaced by the following:

‘(e) corner, curved and carousel cabinets;’;

- (2) in Article 2, point 21 is replaced by the following:

‘21. ‘corner, curved and carousel cabinet’ means a refrigerating appliance with a direct sales function used to achieve geometrical continuity between two linear cabinets that are at an angle to each other and/or that form a curve. A corner, curved and carousel cabinet does not have a recognisable longitudinal axis or length since it consists only of a filling shape (wedge or similar) and is not designed to function as a stand-alone refrigerated unit. The two ends of the corner cabinet are inclined at an angle between 30 ° and 90 °;’;

- (3) Annexes I and IV are amended as set out in Annex VIII to this Regulation.

Article 9

Entry into force and application

This Regulation shall enter into force on the third day following that of its publication in the *Official Journal of the European Union*.

Article 1(2), Article 3(3), Article 5(4), Article 6(2), Article 7(2) and Article 8(3) shall apply from *[date – OJ please insert date two months after entry into force]*. Article 2 shall apply from 1 July 2021. Article 4(1) and (3) shall apply from 1 September 2021.

This Regulation shall be binding in its entirety and directly applicable in all Member States.

Done at Brussels,

For the Commission
The President
Ursula VON DER LEYEN