



EUROPEAN
COMMISSION

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

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

of **XXX**

amending Delegated Regulations (EU) 2019/2013, (EU) 2019/2014, (EU) 2019/2015, (EU) 2019/2016, (EU) 2019/2017 and (EU) No 2019/2018 with regard to energy labelling requirements for electronic displays, light sources, washing machines and washer-dryers, dishwashers, refrigerating appliances 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.

EXPLANATORY MEMORANDUM

1. CONTEXT OF THE DELEGATED ACT

In December 2019, the Commission adopted a package of energy labelling and ecodesign regulations imposing new labelling obligations for electronic displays, light sources, washing machines, washer-dryers, dishwashers and refrigerating appliances with a direct sales function.

One of the main changes from the previous energy labelling regulations on such products was to ‘rescale’ the label. In accordance with Article 11 of the Framework Regulation¹, product-specific delegated acts require suppliers to provide rescaled labels with products as of 1 November 2020 (i.e. 4 months before 1 March 2021, the main date of application, which is also the start of the 15-day ‘change-over’ period from the old to the new labels). Also from 1 November 2020, suppliers must enter the parameters of the product information sheet in the product database.

Following the publication of the new regulations in December 2019, it became clear that there were discrepancies between the wording of the different regulations.

These differences concern in particular the references to technical parameters and declared values, and how these affect what must be included in the technical documentation, what must be uploaded in the product database and to what the verification tolerances in each regulation should apply.

The Commission therefore proposes to add a definition of declared values, as well as to amend the annexes on technical documentation to make it clear that declared values should be included. Other technical amendments are also introduced to correct clerical errors, improve accuracy, clarify measurements and make technical adaptations to some parameters. These amendments will help ensure consistency with the ecodesign regulations on the same products.

Further minor technical amendments are proposed to improve accuracy, consistency and cross-referencing.

2. CONSULTATIONS PRIOR TO THE ADOPTION OF THE ACT

A stakeholder meeting was held on 12 February 2019 with representatives of industry, in particular electrical appliance manufacturers, Member States and European consumer and environmental NGOs.

The draft Regulation was discussed at a meeting of the Consultation Forum on 4 June 2020, after which written comments were submitted by 11 Member States, two environmental associations, one consumer association and 13 associations representing industry sectors. These were taken into account to the extent possible.

As the amendments proposed in this Regulation are considered minor, no impact assessment has been undertaken.

¹ Regulation (EU) 2017/1369 of the European Parliament and of the Council of 4 July 2017 setting a framework for energy labelling and repealing Directive 2010/30/EU (OJ L 198, 28.7.2017, p. 1).

3. LEGAL ELEMENTS OF THE DELEGATED ACT

Commission Delegated Regulation (EU) 2019/2013 on the energy labelling of electronic displays is amended by adding, a definition of declared values, amending Annex VI on technical documentation and adding a new provision related to transitional methods.

Commission Delegated Regulation (EU) 2019/2014 on the energy labelling of household washing machines and household washer-dryers is amended by adding a definition of declared values and technical clarifications in Annex IV on measurement methods and calculations, Annex V on the product information sheet, Annex VI on technical documentation, Annex VIII on the information to be provided in the case of distance selling through the internet and Annex IX on the verification procedure for market surveillance purposes.

Commission Delegated Regulation (EU) 2019/2015 on the energy labelling of light sources is amended by amending the definition of declared values, amending Annex II to clarify the size of the labels, clarifying the exemptions in Annex IV, making minor changes to the product information sheet table in Annex V and the technical documentation in Annex VI, and amending Annex IX (verification tolerances).

Commission Delegated Regulation (EU) 2019/2016 on the energy labelling of refrigerating appliances is amended by adding a definition of declared values, amending Annex IV (measurement methods and calculations), replacing the product information sheet table in Annex V and amending Annexes VI (technical documentation) and IX (verification tolerances).

Commission Delegated Regulation (EU) 2019/2017 on the energy labelling of household dishwashers is amended by adding a definition of declared values. Amendments are made to Annex II, Annex IV on measurement methods and calculations, Annex V on the product information sheet, Annex VI on technical documentation and Annex IX on the verification procedure for market surveillance purposes are amended with technical clarifications.

Commission Delegated Regulation (EU) 2019/2018 on the energy labelling of refrigerating appliances with a direct sales function is amended by adding a definition of declared values, and amending Annexes III (label), V (product information sheet), VI (technical documentation) and IX (verification tolerances)

The amendments will take effect 2 months after the proposed Regulation enters into force, in order to give economic operators time to adapt.

Legal basis

The Regulation implements the Energy Labelling Framework Regulation (EU) 2017/1369, in particular its Article 11(5) and Article 16. The Regulation is based on Article 194(2) of the Treaty on the Functioning of the European Union.

Subsidiarity principle

The adoption of varying energy labelling measures by individual Member States would create obstacles to the free movement of goods within the EU. Such measures (and any amendments to them) must therefore have the same content throughout the EU. In line with the principle of subsidiarity, it is thus appropriate for this measure to be adopted at EU level.

Proportionality principle

In accordance with the principle of proportionality, this measure does not go beyond what is necessary to achieve the objective. It clarifies existing requirements in order to improve their application.

Choice of instrument

The proposed form of action is an amending Commission Regulation, because only by amending the Commission Regulations adopted under the Energy Labelling Framework Regulation (EU) 2017/1369 can requirements be fully harmonised throughout the EU.

BUDGETARY IMPLICATION

The proposal has no implications for the EU budget.

ADDITIONAL INFORMATION

Review/revision/sunset clause

The proposal includes no review clause, because the Commission regulations to be amended already have review clauses, which remain unchanged.

European Economic Area

The proposed act concerns an EEA matter and should therefore extend to the EEA.

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amending Delegated Regulations (EU) 2019/2013, (EU) 2019/2014, (EU) 2019/2015, (EU) 2019/2016, (EU) 2019/2017 and (EU) No 2019/2018 with regard to energy labelling requirements for electronic displays, light sources, washing machines and washer-dryers, dishwashers, refrigerating appliances 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 Regulation (EU) 2017/1369 of the European Parliament and of the Council of 4 July 2017 setting a framework for energy labelling and repealing Directive 2010/30/EU², and in particular Article 11(5) and Article 16 thereof,

Whereas:

- (1) Regulation (EU) 2017/1369 empowers the Commission to adopt delegated acts.
- (2) Provisions on the energy labelling of electronic displays, household washing machines, light sources, household refrigerating appliances, household dishwashers and refrigerating appliances with a direct sales function were established by Commission Delegated Regulations (EU) 2019/2013³, (EU) 2019/2014⁴, (EU) 2019/2015⁵, (EU) 2019/2016⁶, (EU) 2019/2017⁷ and (EU) 2019/2018⁸ (hereafter the “amended Regulations”).

² OJ L 198, 28.7.2017, p. 1.

³ Commission Delegated Regulation (EU) 2019/2013 of 11 March 2019 supplementing Regulation (EU) 2017/1369 of the European Parliament and of the Council with regard to energy labelling of electronic displays and repealing Commission Delegated Regulation (EU) No 1062/2010, (OJ L 315, 5.12.2019, p. 1–28).

⁴ Commission Delegated Regulation (EU) 2019/2014 of 11 March 2019 supplementing Regulation (EU) 2017/1369 of the European Parliament and of the Council with regard to energy labelling of household washing machines and household washer-dryers and repealing Commission Delegated Regulation (EU) No 1061/2010 and Commission Directive 96/60/EC (OJ L 315, 5.12.2019, p. 29–67).

⁵ Commission Delegated Regulation (EU) 2019/2015 of 11 March 2019 supplementing Regulation (EU) 2017/1369 of the European Parliament and of the Council with regard to energy labelling of light sources and repealing Commission Delegated Regulation (EU) No 874/2012 (OJ L 315, 5.12.2019, p. 68–101).

⁶ Commission Delegated Regulation (EU) 2019/2016 of 11 March 2019 supplementing Regulation (EU) 2017/1369 of the European Parliament and of the Council with regard to energy labelling of refrigerating appliances and repealing Commission Delegated Regulation (EU) No 1060/2010 (OJ L 315, 5.12.2019, p. 102–133).

⁷ Commission Delegated Regulation (EU) 2019/2017 of 11 March 2019 supplementing Regulation (EU) 2017/1369 of the European Parliament and of the Council with regard to energy labelling of household dishwashers and repealing Commission Delegated Regulation (EU) No 1059/2010 (OJ L 315, 5.12.2019, p. 134–154).

- (3) In order to avoid confusion for manufacturers and national market surveillance authorities about the values to be included in technical documentation, uploaded in the product database and in relation to verification tolerances, a definition of declared values should be added.
- (4) Technical documentation should be sufficient to allow market surveillance authorities to check the values published on the label and in the product information sheet. In accordance with Article 12 of Regulation (EU) 2017/1369, declared values of the model should be entered into the product database.
- (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 Council⁹.
- (6) For electronic displays, 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. 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) Vertical static-air cabinets with non-transparent doors are professional refrigerating appliances and are defined in Commission Delegated Regulation (EU) 2015/1094¹⁰, and therefore should be excluded from Delegated Regulation (EU) 2019/2018.
- (8) The measures provided for in this Regulation were discussed by the Consultation Forum and with the Member States experts in accordance with Articles 14 and 17 of Regulation (EU) 2017/1369.
- (9) Delegated Regulations (EU) 2019/2013, (EU) 2019/2014, (EU) 2019/2015, (EU) 2019/2016, (EU) 2019/2017 and (EU) 2019/2018 should therefore be amended accordingly.

⁸ Commission Delegated Regulation (EU) 2019/2018 of 11 March 2019 supplementing Regulation (EU) 2017/1369 of the European Parliament and of the Council with regard to energy labelling of refrigerating appliances with a direct sales function (OJ L 315, 5.12.2019, p. 155–186).

⁹ 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 (OJ L 316, 14.11.2012, p. 12).

¹⁰ 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).

HAS ADOPTED THIS REGULATION:

Article 1

Amendments to Delegated Regulation (EU) 2019/2013

Delegated Regulation (EU) No 2019/2013 is amended as follows:

- (1) In Article 1(2), 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;’;
- (2) Article 2 is amended as follows,
 - (a) point (10) is replaced by the following:
‘(10) ‘*HiNA*’ means High Network Availability as defined in Article 2 of Commission Regulation (EC) No 1275/2008 ⁽⁹⁾;’;
 - (b) point (17) is deleted;
- (3) Annexes I, III, IV V, VI and IX are amended as set out in Annex I to this Regulation.

Article 2

Amendments to Delegated Regulation (EU) 2019/2014

Delegated Regulation (EU) 2019/2014 is amended as follows:

- (1) in Article 3(1), point (b) is replaced by the following:
‘(b) the values of the parameters included in the product information sheet, as set out in Annex V, are entered into the public part of the product database;’;
- (2) Annexes I, IV, V, VI, VIII, IX and X are amended as set out in Annex II to this Regulation.

Article 3

Amendments to Delegated Regulation (EU) 2019/2015

Delegated Regulation (EU) 2019/2015 is amended as follows:

- (1) in Article 2, point (3) is replaced by the following:
‘(3) ‘containing product’ means a product containing one or more light sources, or separate control gears, or both. Examples of containing products are 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) in Article 3(1), point (b) is replaced by the following:
‘(b) the values of the parameters included in the product information sheet, as set out in Annex V, are entered into the public part of the product database;’;
- (3) Annexes I, III, IV, V, VI and IX are amended as set out in Annex III to this Regulation.

Article 4
Amendments to Delegated Regulation (EU) 2019/2016

Delegated Regulation (EU) 2019/2016 is amended as follows:

- (1) in Article 2, point (31) is replaced by the following:
‘(31) ‘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) in Article 3 point (b) of paragraph 1 is replaced by the following:
‘(b) the values of the parameters included in the product information sheet, as set out in Annex V, are entered into the public part of the product database;’;
- (3) Annexes I, IV, V, VI and IX are amended as set out in Annex IV to this Regulation.

Article 5
Amendments to Delegated Regulation (EU) 2019/2017

Delegated Regulation (EU) 2019/2017 is amended as follows:

- (1) In Article 3(1), point (b) is replaced by the following:
‘(b) the values of the parameters included in the product information sheet, as set out in Annex V, are entered into the public part of the product database;’;
- (2) Annexes I, II, IV, V, VI and IX are amended as set out in Annex V to this Regulation.

Article 6
Amendments to Delegated Regulation (EU) 2019/2018

Delegated Regulation (EU) 2019/2018 is amended as follows:

- (1) In Article 1(2), point (j) is replaced by the following:
‘(j) corner, curved and carousel cabinets;’;
- (2) in Article 2, point (15) is replaced by the following:
‘(15) ‘corner, curved and carousel cabinets’ 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 cabinets do 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 of between 30 ° and 90 °;’;
- (3) in Article 3(1), point (b) is replaced by the following:
‘(b) the values of the parameters included in the product information sheet, as set out in Annex V, are entered into the public part of the product database;’

(4) Annexes I, III, V, VI and IX are amended as set out in Annex VI to this Regulation.

Article 7

Entry into force and application

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

Article 1(3), Article 2(2), Article 4(3), Article 5(2) and Article 6(4) shall apply from **XXX** *[date – OP please insert date two months after entry into force]*. Article 3(2) shall apply from 1 May 2021. Article 3(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