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

of 11.3.2019

**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

(Text with EEA relevance)

EXPLANATORY MEMORANDUM

1. CONTEXT OF THE DELEGATED ACT

Legal and political context of the proposal

The Ecodesign Framework Directive 2009/125/EC¹ of the European Parliament and of the Council requires manufacturers of energy-related products to improve their products' environmental performance by meeting:

- minimum energy efficiency requirements; and
- other environmental criteria such as water consumption, emission levels or minimum durability of certain components.

The manufacturer needs to assess the product's conformity before placing the product on the market to ensure that all requirements are met.

The Energy Labelling Framework Regulation – Regulation (EU) 2017/1369² of the European Parliament and of the Council – establishes a framework for providing accurate, relevant and comparable information on the energy consumption of energy-related products and other environmental information. This makes it easier for consumers to choose products that are more resource efficient. The Regulation complements the Ecodesign Framework Directive by enabling end-consumers to identify the better-performing products via an A-G/green-to-red scale. The energy label is recognised and used by 85 % of Europeans. The legislative framework builds upon the combined effect of these two pieces of legislation.

The ecodesign and energy labelling framework are central to making Europe more energy efficient, contributing in particular to: (i) the 'Energy union framework strategy'; and (ii) the priority of a 'Deeper and fairer internal market with a strengthened industrial base'. Firstly, the framework pushes industry to improve the energy efficiency of products and removes the worst performing ones from the market. Secondly, it helps consumers and companies to reduce their energy bills. This supports competitiveness and innovation in the industrial and services sectors. Thirdly, it ensures that manufacturers and importers responsible for placing products on the EU market have to comply with a single set of EU-wide rules only.

These two instruments are key components of the Union policy for making products placed on the market or put into service in the European Economic Area (EEA) more energy efficient and environmentally friendly. They are instrumental in achieving the energy savings objectives for 2020 and 2030, and their implementation is reinforced by the current (2016-2019) ecodesign working plan. It is also expected to contribute significantly to the transition towards a more circular economy, as detailed in the circular economy action plan 2015³. Furthermore, the implementation of Regulation (EU) 2017/1369 will contribute to the EU's target of reducing greenhouse gases by at least 20 % by 2020 and by at least 40 % by 2030.

¹ 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 products (OJ L 285, 31.10.2009, p. 10).

² 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 Closing the loop - An EU action plan for the Circular Economy". COM(2015) 614 final, Brussels, 2.12.2015.

Commission Delegated Regulation (EU) 1059/2010⁴ sets energy labelling requirements for household dishwashers. Article 7 states that by December 2014 the Commission should review this regulation in the light of the technological development and in particular assess the verification tolerances set in Annex V.

Dishwashers were included as one of the priority products for review in the ecodesign working plan 2016-2019. Dishwashers are also among the product groups mentioned in Article 11(5)(b) of Regulation (EU) 2017/1369 for which the Commission should adopt a delegated act to introduce a rescaled label by 2 November 2018. The rescaling exercise should result in the existing range of energy classes of A+++ to G being replaced by a range of A to G.

Under Article 11(8) of Regulation (EU) 2017/1369, no product is expected to fall into energy class A when the rescaled label is introduced. It is estimated that it will take at least 10 years for a majority of models to fall into that class.

General context

Household dishwashers are widely used in the EU. It is estimated that on average 44 % of EU households are equipped with a dishwasher (96 million units). The electricity consumption of the dishwashers was estimated at around 31 TWh/year in 2015 and water consumption at 317 million m³. Unless new measures specifically on these products are introduced, the total electricity consumption of dishwashers in the EU is expected to reach around 40 TWh/year by 2030, equivalent to around 15 million tonnes CO_{2eq}.

There are cost-effective ways of reducing the energy consumption and emissions of dishwashers to below the level they would reach in a business-as-usual scenario.

The main reasons why these potential savings have not been achieved are the market's failure to:

- provide a better fit between the standard programme used for testing (optimised by the manufacturers) and the other cleaning programmes actually used by consumers;
- guide consumers to make informed purchase decisions based on the life cycle cost rather than the purchase cost (asymmetric information); and
- provide information and incentives for repairing the appliances and for properly managing the products at the end of their use phase.

Potential cost-effective improvements that would benefit the end-user are therefore often not realised.

The objective of revising Regulation (EU) No 1059/2010 for household dishwashers is to trigger a change in market conditions and appliance optimisation, without damaging the increasing penetration rate of dishwashers into the EU market experienced during the last years. The aim is also to rescale the label in accordance with Regulation (EU) 2017/1369.

In comparison with a business-as-usual scenario, the proposed revision is expected to reduce the total energy consumption of these products each year across the EU by around 2,1 TWh/year, leading to GHG emission reductions of 0,7 Mt CO₂ eq/year and a reduction in water consumption of up to 16 million m³/year by 2030. This represents a contribution of 0,14 % to the EU target on energy efficiency by 2030 and 0,07 % to the EU target on GHG emissions reduction by 2030. The revision is also expected to contribute to circular economy

⁴ Commission Delegated Regulation (EU) No 1059/2010 of 28 September 2010 supplementing Directive 2010/30/EU of the European Parliament and of the Council with regard to energy labelling of household dishwashers (OJ L 314, 30.11.2010, p. 1).

objectives, and notably to facilitate repair activities and end-of-life treatment by ensuring that the necessary information and spare parts are available. This may be complemented in future by a reparability scoring, which is currently under study.

Existing regulation and standards in EU and third countries

In addition to the Ecodesign Framework Directive and to the Energy Labelling Regulation, other legislations relevant for dishwashers are:

- Commission Regulation (EC) No 1275/2008⁵ on standby and off mode electric power consumption;
- Directive 2014/35/EU of the European Parliament and of the Council⁶ on electrical equipment designed for use within certain voltage limits;
- Directive 2014/53/EU of the European Parliament and of the Council⁷ on radio equipment;
- Directive 2014/30/EU of the European Parliament and of the Council⁸ on electromagnetic compatibility;
- Directive 2012/19/EU of the European Parliament and of the Council⁹ on waste electrical and electronic equipment
- Directive 2011/65/EU of the European Parliament and of the Council¹⁰ on the restriction of the use of certain hazardous substances in electrical and electronic equipment.

Moreover, many economies around the world (e.g. the US, Japan, Australia, China, Brazil or Mexico) have introduced in recent years legislation on these products.

The performance of dishwashers is tested under standards EN 50242 and EN 60436. Currently, Cenelec is adapting the existing measurement standards to fill a number of gaps on the identified performance level between the real washing programme used by consumers and the currently standardised test. This adaptation includes the adoption of a new test load with a higher variety of shapes and materials, the combined assessment procedure for combined cleaning and drying performance, the new reference detergent, test procedures for automatic programmes and the rinsing performance. The adaptation of the standard is at an advanced stage of development and very likely to be in place by the time the energy labelling delegated act is in application.

⁵ Commission Regulation (EC) No 1275/2008 of 17 December 2008 implementing Directive 2005/32/EC of the European Parliament and of the Council with regard to ecodesign requirements for standby and off mode electric power consumption of electrical and electronic household and office equipment (OJ L 339, 18.12.2008, p. 45).

⁶ Directive 2014/35/EU of the European Parliament and of the Council of 26 February 2014 on the harmonisation of the laws of the Member States relating to the making available on the market of electrical equipment designed for use within certain voltage limits (OJ L 96, 29.3.2014, p. 357).

⁷ Directive 2014/53/EU of the European Parliament and of the Council of 16 April 2014 on the harmonisation of the laws of the Member States relating to the making available on the market of radio equipment and repealing Directive 1999/5/EC (OJ L 153, 22.5.2014, p. 62).

⁸ Directive 2014/30/EU of the European Parliament and of the Council of 26 February 2014 on the harmonisation of the laws of the Member States relating to electromagnetic compatibility (recast) (OJ L 96, 29.3.2014, p. 79).

⁹ Directive 2012/19/EU of the European Parliament and of the Council of 4 July 2012 on waste electrical and electronic equipment (WEEE) (OJ L 197, 24.7.2012, p. 38).

¹⁰ Directive 2011/65/EU of the European Parliament and of the Council of 8 June 2011 on the restriction of the use of certain hazardous substances in electrical and electronic equipment (OJ L 174, 1.7.2011, p. 88).

2. CONSULTATIONS PRIOR TO THE ADOPTION OF THE ACT

2.1. REVIEW STUDY AND STAKEHOLDER CONSULTATIONS

In order to revise both the Ecodesign and Energy Label regulations, a review study¹¹ was launched in 2014, resulting in a final report published in June 2017. It followed the Methodology for Ecodesign of Energy-related Products (MEErP)¹². The study included a stakeholder survey, two stakeholder meetings in 2015 and a web-seminar in 2016. It involved approximately 140 stakeholders.

The review study covered household dishwasher appliances falling within those legal instruments. A technical, environmental and economic analysis was performed, assessing the need to update the requirements for these products and to assess policy options. This was done as per the review clause of the regulations, and in line with the Ecodesign Directive and Energy Labelling Regulation.

The review study was developed in an open process, with input from relevant stakeholders including manufacturers and their associations, environmental NGOs, consumer organisations and Member States representatives. The study provided a dedicated website and a platform for information interchange (BATIS) where interim results and further relevant materials were published regularly for timely stakeholder consultation and input. The documents on the study website are still available for download and comments. During the study, two expert meetings were held, on 23 June 2015 in Seville and 17 November 2015 in Brussels, and a webinar was held on 7 October 2016. The minutes of these meetings are available on the study website.

2.2. WORKING DOCUMENTS AND CONSULTATION FORUM

Commission departments prepared two working documents setting out Ecodesign and Energy Labelling requirements based on the results of the review study. The working documents were circulated to the members of the Consultation Forum and for information to the secretariat of the European Parliament Environment (ENVI) and Industry (ITRE) committees. The Consultation Forum consists of a balanced representation of Member States representatives, industry associations and NGOs in line with Article 18 of the Ecodesign Directive and Article 14 of Regulation (EU) 2017/1369.

The working documents were discussed at the meeting of the ecodesign consultation forum of 19 December 2017. More than 20 position papers were received and analysed by Commission departments before and after the Consultation Forum.

2.3. RESULTS OF STAKEHOLDER CONSULTATION DURING AND AFTER THE CONSULTATION FORUM

The main comments of stakeholders on key features of the working documents can be summarised as follows:

Minimum energy efficiency requirements under ecodesign

Industry stakeholders recommended not setting stricter requirements than what applies currently, as this would negatively impact the affordability of appliances and slow down the penetration of dishwashers in countries with low income. They stressed that even the least energy-efficient dishwashers consume less energy and water than handwashing. According to

¹¹ Ecodesign and energy label preparatory study on Dishwashers, available at: <http://susproc.jrc.ec.europa.eu/Dishwashers/documents.html>

¹² Kemna, R.B.J., Methodology for the Ecodesign of Energy-related Products (MEErP) – Part 2, VHK for the European Commission, 2011 (MEErP).

industry experts, the current class A+ (lowest class for full-size dishwashers) already correspond to the least life cycle cost (LLCC). Environmental NGOs however considered the Commission's proposals to be low in ambition and requested a second tier with stricter requirements.

Calculation of the energy efficiency index (EEI)

All stakeholders asked to revise the distinction between larger and smaller appliances in the calculation of the energy efficiency index, where there is currently a discrepancy between the ecodesign requirement and the calculation, and which gives an unfair advantage to bigger appliances according to consumer organisations.

Technology to be recognised as BAT and repartition of energy label classes

Stakeholders were split on the type of technology type to be considered as best available technology (BAT), and under the new energy labelling regulation, this choice would have a major impact on the level of the highest energy label classes. Some Member States and industry actors consider that the heat pump-equipped dishwasher technology cannot be considered as BAT because enabled energy savings do not compensate for its higher purchase price and because of its limited availability on the market. Other Member States and environmental NGOs consider that it is currently the best technology on the market and it should be considered as such.

On the repartition of energy classes, the proposal would see most currently available appliances rated as E or F (once re-scaled). Industry stakeholders called to keep an incentive for the lower performing appliances to progress by providing smaller bandwidth classes than currently proposed (towards the lower end of the scale).

Material efficiency requirements

Most stakeholders were in agreement with the requirements proposed on the marking of refrigerating gases and dismantling of electric and electronic equipment, with nuances on the wording, and were split on Commission's proposals for requirements on spare parts and on access to information. Some Member States consider that these requirements will be difficult to enforce by market surveillance authorities and that access to repair and maintenance information should be restricted to authorised repairers only. Industry (especially manufacturers) agreed on the last point, and was more open on spare parts requirements, if they were instead replaced by declarations. Environmental NGOs and other Member States supported the proposals and/or suggested more ambitious ones.

Noise

Some Member States and industry stakeholders proposed to reduce the stringency of the proposed classes on noise emissions, whereas consumer NGOs proposed to set out an ecodesign requirement with upper limit on noise emissions to exclude the noisiest appliances.

Low-power modes

Many stakeholders saw a need to revise the proposed provisions on low-power modes, where some wording was considered as too vague and not entirely consistent.

2.4. OPEN PUBLIC CONSULTATION

An online public consultation¹³ took place from 12 February to 7 May 2018 to collect stakeholders' views on issues such as the expected effect of potential legislative measures on business and on energy consumption trends.

The online public consultation contained a common part on ecodesign and energy labelling, followed by product specific questions on refrigerators, dishwashers, washing machines and washer-dryers, televisions, electronic displays and lighting.

A total of 1230 responses were received of which 67 % were from consumers and 19 % from businesses (of which three quarters were SMEs and a quarter were large companies). NGOs made up 6 % of respondents and 7 % were 'other' categories. National or local governments accounted for less than 1 % of respondents, and 0.25 % came from national market surveillance authorities.

Participants were predominantly from the UK (41 %) and Germany (26 %), with a second group from Austria, Belgium, France, the Netherlands and Spain representing 17 % of replies. A group of another nine Member States comprised a further 9,5 % of replies, but residents in 12 EU Member States gave either zero or a negligible number of responses. Non-EU respondents comprised around 5 % of replies.

Of the 1230 respondents, 719 (58 %) replied only to lighting related questions as part of a coordinated campaign related to lighting in theatres. This was considered to significantly distort the replies, and for some questions the 'lighting respondents' were removed from the calculation. Furthermore, as respondents did not have to reply to all questions, a high rate of 'no answer' was observed (from 5 % - up to 90 %), in addition to those who replied 'don't know' or 'no opinion'. To reflect better the actual answers, the number of 'no answer' was deducted and the remaining answers treated as 100 %.

2.4.1. Overall results

Some 63 % of participants were in favour of including ecodesign requirements on reparability and durability, and 65 % of respondents considered that this information should feature on the energy labels.

On the reparability of products, participants valued mostly as 'very important' to 'important' (in the range 62 %-68 %)¹⁴ each of the following: a warranty, the availability of spare parts, and a complete manual for repair and maintenance. The delivery time for spare parts was rated as 56 % 'very important' to 'important'.

2.4.2. Small and medium enterprises (SME)¹⁵ consultation

One of the aims of the open public consultation was to gather specific feedback on the role and importance of SMEs on the market and to acquire more knowledge on how SMEs viewed the environmental impacts of these six product groups.

Approximately 10,5 % of replies were from SMEs. SMEs reported that they were aware of the ecodesign and energy label requirements applicable to the products they were involved in. Nevertheless, SMEs mostly declined to respond (90 %) or replied in 'don't know/no opinion'

¹³ https://ec.europa.eu/info/consultations/public-consultation-ecodesign-and-energy-labelling-refrigerators-dishwashers-washing-machines-televisions-computers-and-lamps_en

¹⁴ Scale ranging from not important, somewhat important, important, very important, don't know or no opinion and no answer.

¹⁵ SMEs < 250 employees

(6 %) when asked about: (i) the potential impact on their businesses per se; (ii) potential impacts on SMEs compared to larger enterprises; and (iii) the introduction of resource efficiency requirements in the revised ecodesign and energy labelling regulations. Of those SMEs who gave an opinion, some 3-4 % considered that the impacts could be negative, and around 1 % thought that the effects would be positive.

2.4.3. Responses on household dishwashers

Of the participants who answered technical questions on household dishwashers, only half (c. 47 %) were aware that dishwashers are required to reach minimum cleaning performance requirements, which means that pre-rinsing is therefore not necessary. Approximately 30 % of respondents were aware that dishwasher programmes that go on for longer tend to use less energy than shorter programmes (caveats: c. 20 % were not aware of this, and a further 51 % gave either no answer or responded ‘don’t know/ no opinion’).

In terms of what should be displayed on the energy label, c. 50 % of participants considered that information on the combination of time and energy consumption for dishwashers should be made clearer.

To evaluate the performance of household dishwashers, respondents considered the inclusion of the following aspects as ‘important’ or ‘very important’¹⁶:

- most frequently used programmes (45 %);
- most energy-intensive programmes (35 %);
- programme duration (34 %); and
- low power modes (33 %).

Consumers also considered that the most relevant parameters to be featured on the energy label were: water consumption, energy consumption and energy efficiency. This group of parameters was followed by a second group comprising of: noise emissions, capacity (amount of plates and glasses, etc.) and the combined cleaning and drying performance.

On material efficiency aspects, respondents gave the following answers for ‘important’ and ‘very important’ rankings:

- quick repair time (40 %);
- post-repair warranty (38 %);
- a detailed quotation for a complete repair (37 %);
- a list of spare parts and instructions to enable self-repair (36 %);
- a list of certified repairers (35 %).

If the ‘somewhat important’ ranking is included for each of these answers, this captures in each case an additional 9 % - 11 % of respondents.

The two most common responses for how long spare parts were expected to remain available for dishwashers were: more than 10 years (c. 32 % of respondents), and between 5-10 years

¹⁶ The response scale used ranged from the following possible evaluations: not important, somewhat important, important, very important, don’t know or no opinion and no answer.

(c. 20 %). Fewer than 2,5 % of respondents cited 5 years or less. (9 % 'don't know / no opinion' responses were recorded, and c. 37 % gave no reply).

2.5. CONSUMER SURVEY ON THE ENERGY LABEL

In addition to the preparatory study and the open public consultation, a specific consumer study¹⁷ was undertaken to inform the Commission on the impact of possible different icons and layouts of the revised energy labels for household dishwashers on consumer understanding and choices. The survey was administered in seven countries, which together cover 39,7 % of the EU population. In each country, approximately 1350 respondents completed the survey, nationally representative of each country's population with quotas on age and gender. The survey was finalised in July 2018.

A new label layout with several icons representing specific product features was tested:

- Most of the proposed features are also represented on the current energy labels, namely the energy consumption, water consumption, rated capacity (in terms of the number of place settings for dishwashers) and noise level. However, in this new label the energy and water consumption are indicated per cycle, and are accompanied by an indication of the tested programme.
- Furthermore, the new proposal includes the addition of a new icon representing the duration of the (tested) programme.
- Finally, some icons that are displayed on the current energy labels are no longer part of the new tested label, namely the icons indicating drying efficiency of dishwashers.

This study aimed to test consumer responses to:

- consumer understanding of specific icons designed to represent the proposed product features;
- consumer understanding of the full label (e.g. how different elements relate to each other);
- the perceived relevance of the product features proposed to be represented on the proposed new label;
- the extent to which consumers miss information provided in current labels that is not included in the proposed new labels;
- the impact of the labels (relative to other product information) on consumer choice behaviour.

For all features (i.e. water consumption, load capacity, programme duration and noise level), the majority of respondents considered it important that the energy label displays this information.

For water consumption, the number of place settings, programme duration, and noise level, three icon alternatives were developed and tested. The icons were combined into the energy labels. For the icons representing water consumption and noise level, the results revealed a gap between subjective and objective comprehension, i.e. between the declared understanding and the correct identification and reporting of specific information from the label.

¹⁷ Roxanne van Giesen, Millie Elsen, Thijn van der Linden, Bram Bruisten, Tim Meeusen, Femke Maes, "Study on consumer understanding of draft energy labels for household washing machines, household washer-dryers and household dishwashers", CentERdata., July 2018 commissioned by the EC under No. FWC ENER/C3/2015-631/04.

The icons and elements of layout retained for the energy label proposal correspond to the icons and features best understood by respondents or, in case of inconclusive results of the survey (for example on noise and programme duration), to the icons and features most consistent with the approach followed for other product groups and the general layout of the label.

2.6. IMPACT ASSESSMENT

An impact assessment is required when the expected economic, environmental and social impacts of EU action are likely to be significant. An impact assessment for the review of Commission Regulation (EU) No 1016/2010¹⁸ and Commission Delegated Regulation (EU) No 1059/2010 was carried out between January and March 2018.

The data collected in the review study served as a basis for the impact assessment. Additional data and information was collected and discussed by the Impact Assessment study team with industry and experts representing other stakeholders and Member States. The additional data and information collection focussed on:

- additional market data, particularly the differences between number of models and volume of sales of the energy efficiency classes in 2003-2013;
- fine tuning of the metrics (revised standard); and
- possible impacts on manufacturers.

Two inception impact assessments (IIAs) were published¹⁹ before the consultation forum meeting. These were on ‘Regulatory measures on the review of Ecodesign requirements for household dishwashers’ and ‘Regulatory measure on the reviews of energy labelling for household dishwasher (EU) No 1059/2010’. Feedback on both inception impact assessments were received (11 and 9 responses respectively). In general, the feedback supported the ecodesign and energy label requirements for household dishwashers as they help mitigate climate change, help EU citizens save on their energy and water bills, and better integrate domestic appliances in a circular economy through the proposed reparability and recyclability requirements.

Feedback was also received on the strictness of ecodesign requirements for minimum energy requirements, testing programmes, and low power modes as well as the information to be included on the energy label. Feedback also focused on the resource efficiency aspects that are in general supported, while some additional proposals were made regarding their proper implementation.

The following options were considered in the impact assessment:

- Policy Option O: business as usual, used as baseline for the assessment: no further action, the household dishwashers regulations currently in place remain unchanged;
- Policy Option A: Combinations of more ambitious energy efficiency requirements under ecodesign and energy labelling (different scenarios possible);
- Policy Option B: Combinations of less ambitious energy efficiency requirements under ecodesign and energy labelling (different scenarios possible);

¹⁸ Commission Regulation (EU) No 1016/2010 of 10 November 2010 implementing Directive 2009/125/EC of the European Parliament and of the Council with regard to ecodesign requirements for household dishwashers (OJ L 293, 11.11.2010, p. 31).

¹⁹ Registered under references ARES (2018) 476416 and ARES (2018) 476380

- Policy Option C: in addition to requirements in A and B, ecodesign requirements on material efficiency (three scenarios considered).

The most effective option in terms of energy, resource efficiency and cost-savings, combines: (i) more stringent ecodesign requirements on energy efficiency for full-size appliances via a second tier that enters into force in 2024; (ii) energy label categories in small (non-proportional) bandwidths; and (iii) material efficiency requirements on the availability of spare parts and repair information. This option was selected as the preferred option.

By 2030, the preferred option should deliver:

- electricity savings of 2,06 TWh/year and water savings of 16 million m³/year, a contribution of 0,14 % to the EU target on energy efficiency by 2030;
- greenhouse gas emission abatement of 0,7 MtCO₂eq/year;
- EUR 18 million in annual net cost savings for consumers (taking into account a higher purchasing price);
- extra business revenue of EUR 4 billion per year, leading to 11 000 additional jobs in the EU manufacturing sector and 34 000 in the retail sector;
- support to the EU industry's competitiveness and leading role as high-quality manufacturers;
- greater innovation for more efficient dishwashers; and
- higher revenues and profits for independent companies (such as SMEs) working in the field of reparation and refurbishment of products.

The impact assessment report was submitted to the Commission's regulatory scrutiny board and discussed by the board on 13 June 2018. The board issued a positive opinion with reservations. The main considerations given by the board, and incorporated in the final version of the Impact Assessment, are the following:

- the report is not sufficiently transparent on the relatively minor importance of the initiative in terms of its contribution to the EU 2030 energy and climate targets;
- the choice of the preferred option is not sufficiently justified. It is unclear how the report strikes a balance between energy efficiency, circular economy and consumer preferences;
- the report does not integrate circular economy aspects comprehensively and in a way which is consistent across ecodesign products. It does not impact assess them either;
- the report is not sufficiently transparent about the elements that have already been agreed upon and the choices that are left open for political decision.

The impact assessment report was amended to take account of the board's comments. In particular, new sections were added on the 'need to act' and on the 'issues not subject to assessment' and the presentation of the circular economy aspects, of the methodological assumptions and of the preferred option was substantially reinforced.

2.7 FEEDBACK MECHANISM

Comments were received from seven EU Member States and one non-EU country through the Better Regulation feedback mechanism. The comments related to the requirements on programme names, to the level of energy efficiency requirements, to the availability and delivery time of spare parts, to the disassembly of components for recycling and tools

necessary, to the content of the energy label and to the graphic elements included in requirements for distance selling.

All comments were reported to the ecodesign Regulatory Committee and to the expert group on energy labelling, and were considered in the discussions and finalisation of the draft Regulations.

3. LEGAL ELEMENTS OF THE DELEGATED ACT

3.1. Summary of the proposal for the energy label regulation

The energy label regulation for dishwashers builds on the preferred option identified in the impact assessment report. The objectives to achieve high energy and water savings, to facilitate repair and recycling and make the standard programme more attractive for consumers are balanced with the objectives of maintaining the affordability of products and the competitiveness of industry.

Information on the label:

- (1) QR code linking to the model information in the product database;
- (2) Rescaled label introducing A to G classes in accordance with Regulation (EU) 2017/1369;
- (3) Energy consumption of the eco programme per 100 cycles;
- (4) Rated capacity in standard place settings, for the eco programme;
- (5) Water consumption of the eco programme in litres per cycle;
- (6) Duration of the eco programme in hh:mm;
- (7) Airborne acoustic noise emission classes and value in dB(A).

3.2. Measurements and calculations

The relevant product parameters should be measured and calculated using methods that are reliable, accurate and reproducible. Manufacturers may apply the measurement and calculation methods and harmonised standards established in accordance with Article 13 of Regulation (EU) 2017/1369 as soon as they are made available and their references are published for that purpose in the *Official Journal of the European Union*. These methods are developed specifically so as to be reliable, accurate and reproducible. Requirements for calculating the Energy Efficiency Index are laid down in Annex IV to the energy label regulation.

Cenelec should adapt the current measurement standards that provide proper measurement methods for all household dishwashers covered by the scope of the proposed measure.

3.3. Verification procedure for market surveillance purposes

When performing the market surveillance checks referred to in Article 8 of Regulation (EU) 2017/1369, the Member States authorities must apply the verification procedure for the requirements set out in Annex IX to the revised energy label regulation for household dishwashers.

The verification tolerances set out in that annex relate only to the verification of the measured parameters by Member States authorities and must not be used by the manufacturer or importer as an allowed tolerance to establish the values in the technical documentation.

3.4. Date for evaluation and possible revision

The revised Regulation must be reviewed no later than 6 years after its entry into force.

The main issues for the review are:

- the improvement potential with regard to energy consumption, functional and environmental performance of household dishwashers;
- the effectiveness of existing measures in achieving changes in end-user behaviour in purchasing more energy and resource efficient appliances and using more energy and resource efficient programmes;
- the possibility to address circular economy objectives.

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

of 11.3.2019

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(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/EU²⁰, and in particular Article 11(5) and Article 16 thereof,

Whereas:

- (1) Regulation (EU) 2017/1369 of the European Parliament and of the Council empowers the Commission to adopt delegated acts as regards the labelling or re-scaling of the labelling of product groups representing significant potential for energy savings and, where relevant, other resources.
- (2) Provisions on the energy labelling of household dishwashers were established by Commission Delegated Regulation (EU) No 1059/2010²¹.
- (3) The Communication from the Commission COM(2016)773 final²² (ecodesign working plan) established by the Commission in application of Article 16(1) of Directive 2009/125/EC of the European Parliament and of the Council²³ sets out the working priorities under the ecodesign and energy labelling framework for the period 2016-2019. The ecodesign working plan identifies the energy-related product groups to be considered as priorities for the undertaking of preparatory studies and eventual adoption of implementing measures, as well as the review of Commission Regulation (EU) No 1016/2010²⁴ and Commission Delegated Regulation (EU) No 1059/2010.
- (4) Measures from the ecodesign working plan have an estimated potential to deliver in total more than 260 TWh of annual final energy savings in 2030, which is equivalent

²⁰ OJ L 198, 28.7.2017, p. 1.

²¹ Commission Delegated Regulation (EU) No 1059/2010 of 28 September 2010 supplementing Directive 2010/30/EU of the European Parliament and of the Council with regard to energy labelling of household dishwashers (OJ L 314, 30.11.2010, p. 1).

²² Communication from the Commission. Ecodesign working plan 2016-2019 (COM(2016)773 final, Brussels, 30.11.2016).

²³ 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 products (OJ L 285, 31.10.2009, p. 10).

²⁴ OJ L 293, 11.11.2010, p. 31.

to reducing greenhouse gas emissions by approximately 100 million tonnes per year in 2030. Household dishwashers is one of the product groups listed in the working plan, with estimated annual electricity savings of 2,1 TWh, leading to GHG emission reductions of 0,7 Mt CO₂ eq/year, and estimated water savings of 16 million m³ in 2030.

- (5) Household dishwashers are among the product groups mentioned in Article 11(5)(b) of Regulation (EU) 2017/1369 for which the Commission should adopt a delegated act to introduce an A to G rescaled label.
- (6) The Commission has reviewed Regulation (EU) No 1059/2010 as required by its Article 7 and analysed technical, environmental and economic aspects as well as the impact of user behaviour. The review was carried out in close cooperation with stakeholders and interested parties from the Union and third countries. The results of the review were made public and presented to the Consultation Forum established by Article 14 of Regulation (EU) 2017/1369.
- (7) The review concluded that there was a need to introduce revised energy labelling requirements for household dishwashers.
- (8) Non-household dishwashers have distinct characteristics and uses. They are subject to other regulatory work, in particular Directive 2006/42/EC of the European Parliament and of the Council²⁵, and should not be included in the scope of this Regulation. This Regulation for household dishwashers should apply to dishwashers with the same technical characteristics, regardless of the setting they are used in.
- (9) The environmental aspects of household dishwashers that have been identified as significant for the purposes of this Regulation are energy and water consumption in the use phase, the generation of waste at the end of life, the emissions to air and water in the production phase due to the extraction and processing of raw materials and in the use phase because of the consumption of electricity.
- (10) It appears from the review that the electricity and water consumption of household dishwashers can be further reduced by implementing energy labelling measures focusing on better differentiating between products. This should give suppliers an incentive to further improve the energy and resource efficiency of household dishwashers while accelerating the market transformation towards more efficient technologies.
- (11) The energy labelling of household dishwashers enable consumers to make informed choices towards more energy and resource efficient appliances. The understanding and relevance of the information provided on the label have been confirmed through a specific consumer survey in line with Article 14(2) of Regulation (EU) 2017/1369.
- (12) Household dishwashers that are displayed at trade fairs should bear the energy label if the first unit of the model has already been placed on the market or is placed on the market on the trade fair.
- (13) The relevant product parameters should be measured using reliable, accurate and reproducible methods. Those methods should take into account recognised state-of-the-art measurement methods including, where available, harmonised standards

²⁵ Directive 2006/42/EC of the European Parliament and of the Council of 17 May 2006 on machinery (OJ L 157, 9.6.2006, p. 24).

adopted by the European standardisation bodies, as listed in Annex I to Regulation (EU) No 1025/2012 of the European Parliament and of the Council²⁶.

- (14) Recognizing the growth of sales of energy-related product through web-stores and internet sales platforms, rather than directly from suppliers, it should be clarified that service providers of web-stores and internet sales platforms should be responsible for displaying the label provided by the supplier in proximity to the price. They should inform the supplier of that obligation, but should not be responsible for the accuracy or content of the label and the product information sheet provided. However, in application of Article 14(1)(b) of Directive 2000/31/EC of the European Parliament and of the Council²⁷ on electronic commerce, such internet hosting platforms should act expeditiously to remove or to disable access to information about the product in question if they are aware of the non-compliance (e.g. missing, incomplete or incorrect label or product information sheet) for example if informed by the market surveillance authority. A supplier selling directly to end-users via its own website is covered by dealers' distance selling obligations referred to in Article 5 of Regulation (EU) 2017/1369.
- (15) The measures provided for in this Regulation were discussed by the Consultation Forum and with the Member States experts in accordance with Article 17 of Regulation (EU) 2017/1369.
- (16) Regulation (EU) No 1059/2010 should be repealed.

HAS ADOPTED THIS REGULATION:

Article 1

Subject matter and scope

1. This Regulation establishes requirements for the labelling of, and the provision of supplementary product information on, electric mains-operated household dishwashers, including built-in household dishwashers and electric mains-operated household dishwashers that can also be powered by batteries.
2. This Regulation shall not apply to:
 - (a) dishwashers in the scope of Directive 2006/42/EC;
 - (b) battery-operated household dishwashers that can be connected to the mains through an AC/DC converter purchased separately.

Article 2

Definitions

For the purposes of this Regulation, the following definitions shall apply:

²⁶ 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).

²⁷ Directive 2000/31/EC of the European Parliament and of the Council of 8 June 2000 on certain legal aspects of information society services, in particular electronic commerce, in the Internal Market ('Directive on electronic commerce') (OJ L 178, 17.7.2000, p. 1).

- (1) 'mains' or 'electric mains' means the electricity supply from the grid of 230 (± 10 %) volts of alternating current at 50 Hz;
- (2) 'household dishwasher' means a machine which cleans and rinses tableware, and which is declared by the manufacturer in the Declaration of Conformity to comply with Directive 2014/35/EU of the European Parliament and of the Council²⁸ or with Directive 2014/53/EU of the European Parliament and of the Council²⁹;
- (3) 'built-in household dishwasher' means a household dishwasher that is designed, tested and marketed exclusively:
 - (a) to be installed in cabinetry or encased (top, bottom and sides) by panels;
 - (b) to be securely fastened to the sides, top or floor of the cabinetry or panels; and
 - (c) to be equipped with an integral factory-finished face or to be fitted with a custom front panel.
- (4) 'point of sale' means a location where household dishwashers are displayed or offered for sale, hire or hire-purchase.

For the purposes of the annexes, additional definitions are set out in Annex I.

Article 3 **Obligations of suppliers**

1. Suppliers shall ensure that:
 - (a) each household dishwasher is supplied with a printed label in the format as set out in Annex III;
 - (b) the parameters of the product information sheet, as set out in Annex V, are entered into the product database;
 - (c) if specifically requested by the dealer, the product information sheet shall be made available in printed form;
 - (d) the content of the technical documentation, set out in Annex VI, is entered into the product database;
 - (e) any visual advertisement for a specific model of household dishwasher contains the energy efficiency class and the range of energy efficiency classes available on the label in accordance with Annex VII and Annex VIII;
 - (f) any technical promotional material concerning a specific model of household dishwasher, including on the Internet, which describes its specific technical parameters, includes the energy efficiency class of that model and the range of energy efficiency classes available on the label, in accordance with Annex VII;
 - (g) an electronic label in the format and containing the information, as set out in Annex III, is made available to dealers for each household dishwasher model;

²⁸ Directive 2014/35/EU of the European Parliament and of the Council of 26 February 2014 on the harmonisation of the laws of the Member States relating to the making available on the market of electrical equipment designed for use within certain voltage limits (OJ L 96, 29.3.2014, p. 357).

²⁹ Directive 2014/53/EU of the European Parliament and of the Council of 16 April 2014 on the harmonisation of the laws of the Member States relating to the making available on the market of radio equipment and repealing Directive 1999/5/EC (OJ L 153, 22.5.2014, p. 62).

- (h) an electronic product information sheet, as set out in Annex V, is made available to dealers for each household dishwasher model.
2. The energy efficiency class and the acoustic airborne noise emission class are defined in Annex II and shall be calculated in accordance with Annex IV.

Article 4

Obligations of dealers

Dealers shall ensure that:

- (a) each household dishwasher, at the point of sale, including at trade fairs, bears the label provided by suppliers in accordance with point 1(a) of Article 3, with the label being displayed for built-in household dishwashers in such a way as to be clearly visible, and for all other household dishwashers in such a way as to be clearly visible on the outside of the front or top of the household dishwasher;
- (b) in the event of distance selling, the label and product information sheet are provided in accordance with Annexes VII and VIII;
- (c) any visual advertisement for a specific model of household dishwasher contains the energy efficiency class of that model and the range of energy efficiency classes available on the label, in accordance with Annex VII;
- (d) any technical promotional material concerning a specific model of household dishwasher, including on the Internet, which describes its specific technical parameters, includes the energy efficiency class of that model and the range of energy efficiency classes available on the label, in accordance with Annex VII.

Article 5

Obligations of internet hosting platforms

Where a hosting service provider referred to in Article 14 of Directive 2000/31/EC allows the direct selling of household dishwashers through its Internet website, the service provider shall enable the showing of the electronic label and electronic product information sheet provided by the dealer on the display mechanism in accordance with the provisions of Annex VIII and shall inform the dealer of the obligation to display them.

Article 6

Measurement methods

Information to be provided pursuant to Articles 3 and 4 shall be obtained by reliable, accurate and reproducible measurement and calculation methods, which take into account the recognised state-of-the-art measurement and calculation methods set out in Annex IV.

Article 7

Verification procedure for market surveillance purposes

Member States shall apply the verification procedure laid down in Annex IX to this Regulation when performing the market surveillance checks referred to in paragraph 3 of Article 8 of Regulation (EU) 2017/1369.

Article 8

Review

The Commission shall review this Regulation in the light of technological progress and present the results of this review including, if appropriate, a draft revision proposal, to the Consultation Forum no later than *[OP – please insert the date - six years after day of entry into force of this Regulation]*.

The review shall in particular assess the following:

- (a) the improvement potential with regard to the energy consumption, functional and environmental performance of household dishwashers;
- (b) the effectiveness of existing measures in achieving changes in end-user behaviour in purchasing more energy and resource efficient appliances and using more energy and resource efficient programmes;
- (c) the possibility to address circular economy objectives.

Article 9

Repeal

Regulation (EU) No 1059/2010 is repealed as of 1 March 2021.

Article 10

Transitional measures

As from *[OP – please insert the day of entry into force of this Regulation]* until 28 February 2021, the product fiche required under point (b) of Article 3 of Regulation (EU) 1059/2010 may be made available through the product database instead of being provided in printed form with the product. In this case, the supplier shall ensure that if specifically requested by the dealer, the product fiche shall be made available in printed form.

Article 11

Entry into force and application

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

It shall apply from 1 March 2021. However, Article 10 shall apply from *[OP – please insert the day of entry into force of this Regulation]* and point 1(a), (b) and (c) of Article 3 shall apply from 1 November 2020.

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

Done at Brussels, 11.3.2019

For the Commission
The President
Jean-Claude JUNCKER