

Brussels, XXX
[...] (2018) XXX draft

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

of XXX

**implementing Directive 2009/125/EC of the European Parliament and of the Council
with regard to ecodesign requirements for household dishwashers**

**and repealing Regulation (EU) No 1016/2010 with regard to ecodesign requirements for
household dishwashers and amending Regulation (EC) No 1275/2008 with regard to
ecodesign requirements for standby and off mode electric power consumption of
electrical and electronic household and office equipment**

(Text with EEA relevance)

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(Text with EEA relevance)

THE EUROPEAN COMMISSION,

Having regard to Article 114 of 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(1) thereof,

After consulting the Consultation Forum referred to in Article 18 of Directive 2009/125/EC,

Whereas:

- (1) Directive 2009/125/EC requires the Commission to set ecodesign requirements for energy-related products representing significant volumes of sales and trade, having a significant environmental impact and presenting significant potential for improvement through design in terms of their environmental impact, without entailing excessive costs.
- (2) Article 15(4)(a) of Directive 2009/125/EC requires the Commission to consider the life cycle of the product and all its significant environmental aspects including energy efficiency.
- (3) The Commission established ecodesign requirements for household dishwashers in Commission Regulation (EU) No 1016/2010 implementing Directive 2009/125/EC².
- (4) Article 7 of Commission Regulation (EU) No 1016/2010 requires the Commission to review the Regulation in light of technological progress.
- (5) The Commission has reviewed Commission Regulation (EU) No 1016/2010 and analysed the technical, environmental and economic aspects of household dishwashers as well as real-life user behaviour. The review was undertaken 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 18 of Directive 2009/125/EC.
- (6) The review study shows that there is a need to revise the ecodesign requirements for household dishwashers, the requirements related to use of essential resources such as

¹ OJ L 285, 31.10.2009, p. 10.

² OJ L 293, 11.11.2010, p. 31.

energy and water and also to introduce requirements related to resource efficiency and environment aspects such as reparability and recyclability.

- (7) Non-household dishwashers have distinct characteristics and uses. They are subject to other regulatory work and should therefore not be included in the scope of this Regulation.
- (8) The environmental aspects of household dishwashers, which have been identified as significant for the purposes of this Regulation are the consumption of energy and water during 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).
- (9) The annual energy consumption of products subject to this Regulation in the Union was estimated at 31.3 TWh in the Union in 2015, corresponding to 11.1 million tonnes of CO₂ equivalent. While the projected energy consumption of household dishwashers in a business as usual scenario will increase to 49.0 TWh in 2030, mainly because of the increase in the number of dishwashers in stock, this increase may be limited if the existing ecodesign requirements are updated. Similarly, the water consumption of household dishwashers was estimated at 318 million m³ in 2015 and is expected to increase up to 531 million m³ in 2030 in the absence of updated requirements. Finally, the service lifetime of household dishwashers has been estimated to have decreased in recent years to around 12.5 years and is anticipated to further decrease in the absence of resource efficiency requirements.
- (10) The Commission Communications on circular economy³ and on the ecodesign working plan⁴ underline the importance of using the ecodesign framework to support the move towards more resource efficient and circular economy. The WEEE Directive 2012/19/EU⁵ refers to Directive 2009/125/EC indicating that ecodesign requirements should facilitate the re-use, dismantling and recovery of WEEE by tackling the issues upstream. Therefore this Regulation should lay down appropriate requirements contributing to circular economy objectives.
- (11) This Regulation lays down specific requirements for the low power modes of household dishwashers. Therefore, the requirements of Commission Regulation (EC) No 1275/2008⁶ should not apply to household dishwashers covered by the scope of this Regulation and for which specific requirements are set. Regulation (EC) No 1275/2008 should be amended accordingly.
- (12) Measurements of the relevant product parameters should be performed through reliable, accurate and reproducible measurement methods, which take into account the recognised state-of-the-art measurement methods including, where available, harmonised standards adopted by the European standardisation organisations, as listed in Annex I to Regulation (EU) No 1025/2012⁷.
- (13) In accordance with Article 8 of Directive 2009/125/EC, this Regulation should specify the applicable conformity assessment procedures.
- (14) To facilitate compliance checks, manufacturers should provide information in the technical documentation referred to in Annexes IV and V to Directive 2009/125/EC in

³ COM/2015/0614 final of 02.12/2015

⁴ COM(2016) 773 final of 30.11.2016

⁵ OJ L 197, 24.7.2012, p. 38

⁶ OJ L 339, 18.12.2008, p 45

⁷ OJ L 316, 14.11.2012, p. 12

so far as that information relates to the requirements laid down in this Regulation. The parameters of the technical documentation in accordance with this Regulation which are identical to the parameters of the product information sheet in accordance with [the energy labelling regulation on household dishwashers] and which have been entered in the product database should no longer be included in the technical documentation of this Regulation.

- (15) To improve the effectiveness and credibility of the Regulation and to protect consumers, products that automatically alter their performance in test conditions to improve the declared parameters should be prohibited.
- (16) In addition to the legally binding requirements laid down in this Regulation, indicative benchmarks for best available technologies should be identified to make information on the life-cycle environmental performance of products subject to this Regulation widely available and easily accessible, in accordance with Directive 2009/125/EC, Annex 1, part 3(2).
- (17) A review of this Regulation should assess the appropriateness and effectiveness of its provisions in achieving its goals. The timing of the review should be sufficient for all provisions to be implemented and show an effect on the market.
- (18) Commission Regulation No 1016/2010 should be repealed and new provisions should be laid down by this Regulation to ensure that the ecodesign requirements for household dishwashers continue to accelerate the market transformation towards energy-efficient and environment-friendly technologies.
- (19) To facilitate the transition between Commission Regulation No 1016/2010 and this Regulation, the name 'eco' should be allowed for use instead of 'standard programme' as from the entry into force of this Regulation, and the name 'standard programme' should be allowed for use instead of 'eco' for a 6 month period after the date of application of the ecodesign requirements.
- (20) The measures provided for in this Regulation are in accordance with the opinion of the Committee established by Article 19(1) of Directive 2009/125/EC.

HAS ADOPTED THIS REGULATION:

Article 1

Subject matter and scope

1. This Regulation establishes ecodesign requirements for placing on the market and putting into service of 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 battery-operated household dishwashers that can be connected to the mains through an AC/DC converter purchased separately, and to custom-made household dishwashers made on a one-off basis and not equivalent to other household dishwasher models.

Article 2

Definitions

For the purpose of this Regulation the definitions in Article 2 of Directive 2009/125/EC shall apply. In addition, the definitions set out in Annex I to this Regulation and the following definitions shall apply:

1. 'Household dishwasher', sometimes referred to as 'dishwasher' in this Regulation, means a machine which cleans, rinses, and dries tableware, and which is declared by the manufacturer in the Declaration of Conformity (DoC) as complying with the Low Voltage Directive 2014/35/EU;
2. 'Built-in household dishwasher' means a household dishwasher that is designed and marketed exclusively to be installed inside an enclosing structure such as a kitchen cupboard.

Article 3

Ecodesign requirements

Household dishwashers shall comply with the ecodesign requirements set out in Annex II from the dates indicated therein.

Article 4

Conformity assessment

The conformity assessment procedure referred to in Article 8 of Directive 2009/125/EC shall be the internal design control system set out in Annex IV to that Directive or the management system set out in Annex V to that Directive.

Article 5

Verification procedure for market surveillance purposes

Member States shall apply the verification procedure described in Annex IV to this Regulation when performing the market surveillance checks referred to in Article 3(2) of Directive 2009/125/EC.

Article 6

Circumvention

The manufacturer or importer shall not place on the market products that have been designed so that a model's performance is automatically altered in test conditions with the objective of reaching a more favourable level for any of the parameters declared by the manufacturer in the technical documentation or included in any of the documentation provided with the product.

Where applicable, the consumption of energy and water of the product shall not increase 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.

Article 7

Indicative benchmarks

The indicative benchmarks for the best-performing products and technologies available on the market at the time of adopting this Regulation are set out in Annex V.

Article 8
Evaluation

The Commission shall assess this Regulation and shall present the results of this assessment, including, if appropriate, a draft revision proposal, to the Ecodesign Consultation Forum no later than five years after its entry into force.

This assessment shall address in particular the improvement potential with regard to energy and environmental performance of household dishwashers in view of technological progress, the effectiveness of existing requirements on material efficiency and the feasibility of new ones on the durability of the appliance or of some of its parts.

Article 9
Repeal

Commission Regulation (EU) 1016/2010 shall be repealed as from the day of entry into force of this Regulation, except for Articles 3 and 5 thereof and Annexes I to III thereto that shall apply until this Regulation starts to apply.

By derogation to the requirement in Annex I, Point 1(1) of Commission Regulation (EU) 1016/2010, the name ‘eco’ may be used for the standard programme, instead of the name ‘standard programme’, as from the date of entry into force of this Regulation.

Article 10

Amendment to Regulation (EC) No 1275/2008

Annex I, point 1 to Regulation (EC) No 1275/2008 is replaced by the text set out in Annex VI to this Regulation.

Article 10

Entry into force and application

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

2. The ecodesign requirements listed in Annex II, points 1, 2(1), 2(3) and 3 to 7, shall apply from 1 April 2021.

By derogation to the requirement in Annex II, point 1(a), the name ‘standard programme’ may be used for the eco programme, instead of the name ‘eco’, until 1 October 2021.

3. The ecodesign requirement listed in Annex II, point 2(2) shall apply from 1 April 2024.

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

Done at Brussels,

For the Commission
The President