

Brussels, XXX
[...] (2017) 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__repealing_Regulation (EU) No 1016/2010 with regard to ecodesign
requirements for household dishwashers_**

(Text with EEA relevance)

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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**

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)

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(1) and Article 15(4)(a) thereof,

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

Whereas:

- (1) Under Directive 2009/125/EC ecodesign requirements should be set by the Commission for energy-related products representing significant volumes of sales and trade, having significant environmental impact and presenting significant potential for improvement 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.
- (3) Article 16(2)(a) of Directive 2009/125/EC provides that in accordance with the procedure referred to in Article 19(3) and the criteria set out in Article 15(2), and after consulting the Consultation Forum, the Commission shall, as appropriate, introduce implementing measures for household appliances.
- (4) This regulation covers products designed for cleaning household dishware. The ecodesign requirements for household dishwashers were laid down in Regulation 1016/2010/EU implementing Directive 2009/125/EC of the European Parliament and of the Council with regard to ecodesign requirements for household dishwashers².

¹ OJ L 285, 31.10.2009, p. 10.

² OJ L 293, 11.11.2010, p. 31

- (5) Regulation 1016/2010/EU was to be reviewed no later than 4 years after its entry into force.
- (6) The Commission has reviewed Regulation 1016/2010/EU in the light of technological progress. The review study has analysed the technical, environmental and economic aspects of household dishwashers as well as the real-life user behaviour. The study was developed in consultation with stakeholders and interested parties from the Union and third countries and the results were made publicly available and presented to the Consultation Forum established by Article 18 of Directive 2009/125/EC.
- (7) The study concluded that there was a need to revise the ecodesign requirements for household dishwashers, the requirements related to use of essential resources such as energy and water and also to introduce requirements related to resource efficiency and environment aspects such as reparability and recyclability.
- (8) 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.
- (9) The annual electricity consumption of household dishwashers subject to this Regulation was estimated to have been 30.6 TWh in the Union in 2015 corresponding to 11.1 million tonnes of CO_{2eq}. Unless specific measures are taken, annual electricity consumption is estimated to increase to 39.7 TWh in 2030. The review study shows that the electricity consumption of products subject to this Regulation can be cost-effectively reduced.
- (10) Considering the EU action plan on Circular Economy³ and given the importance of resource efficiency, the Regulation should also establish resource efficiency requirements as regards non-energy aspects. These requirements should apply in addition to other EU legislation applicable to household dishwashers, their materials and components, in particular Directive 2011/65/EU on the restriction of the use of certain hazardous substances in electrical and electronic equipment (RoHS), Directive 2012/19/EU on waste electrical and electronic equipment (WEEE) and Regulation 517/2014/EU of the European Parliament and of the Council of 16 April 2014 on fluorinated greenhouse gases.
- (11) Improvements of household dishwashers are achievable by applying existing non-proprietary, cost-effective technologies, in line with the provisions of the Directive 2009/125/EC.
- (12) The ecodesign requirements should not have any significant negative impact on health, safety and the environment. Furthermore, the requirements should not have any significant negative impact on the functionality of the products, on their affordability, on its life cycle costs or on industry's competitiveness nor impose on manufacturers' proprietary technology or excessive administrative burden.
- (13) The ecodesign requirements should be introduced gradually in order to provide sufficient time for manufacturers to redesign products subject to this Regulation. The timing should be set in such a way as to avoid negative impacts on the functionalities of equipment on the market, and to take into account cost impacts for end-users and manufacturers, in particular small and medium-sized enterprises, while ensuring timely achievement of the objectives of this Regulation.

³ Commission Communication „Closing the loop - An EU action plan for the Circular Economy“, COM(2015) 614 final, 2.12.2015

- (14) Measurements of the relevant product parameters should be performed using 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) 1025/2012 of the European Parliament and of the Council of 25 October 2012 on European standardisation⁴.
- (15) In conformity with Article 8 of Directive 2009/125/EC, this Regulation should specify the applicable conformity assessment procedures.
- (16) In order 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 so far as this information relates to the requirements laid down in this Regulation.
- (17) In addition to the legally binding requirements laid down in this Regulation, indicative benchmarks for best available technologies should be identified. This will help to ensure the wide availability and easy accessibility of information on the environmental performance of products subject to this Regulation, in particular for small and medium-sized enterprises, which will further facilitate the integration of best design technologies and the development of more energy-, water- and material efficient products.
- (18) [The measures provided for in this Regulation are in accordance with the opinion of the Committee referred to in 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 the placing on the market of electric mains-operated household dishwashers and electric mains-operated household dishwashers that can also be powered by batteries, including built-in household dishwashers.
2. This regulation shall not apply to non-household dishwashers.

Article 2

Definitions

In addition to the definitions laid down in Article 2 of Directive 2009/125/EC, the following definitions shall apply for the purpose of this Regulation:

- (1) 'household dishwasher' means a machine which cleans, rinses, and dries dishware, glassware, cutlery and cooking utensils by chemical, mechanical, thermal, and electric means, which may or may not have a specific drying operation at the end of the programme and which is [designed for] [principally intended for] domestic use complying with the Low Voltage Directive 2014/35/EU as stated by the manufacturer in the Declaration of Conformity (DoC);

⁴ OJ L 316, 14.11.2012, p. 12

- (2) 'built-in household dishwasher' means a household dishwasher intended to be installed in a cabinet, a prepared recess in a wall or a similar location, requiring furniture finishing;
- (3) 'non-household dishwasher' means a dishwasher used in an environment other than in an individual household or not complying with any other aspect of the definition of a household dishwasher;
- (4) 'place setting' means a defined set of crockery, glass and cutlery for use by one person;
- (5) 'rated capacity' means the maximum number of place settings together with the serving pieces, as stated by the manufacturer, which can be treated in a household dishwasher on the programme selected when loaded in accordance with the manufacturer's instructions;
- (6) 'programme' means a series of operations that are pre-defined and are declared as suitable by the manufacturer for specified levels of soil or types of load, or both, and together form a complete cycle;
- (7) 'programme time' means the time that elapses from the initiation of the programme until the completion of the programme, excluding any user-programmed delay;
- (8) 'cycle' means a complete cleaning, rinsing, and drying process, as defined for the selected programme;
- (9) 'delay start mode' means a condition where the household dishwasher automatically starts the cleaning cycle at a later time;
- (10) 'standby mode' is defined as in Regulation (EC) No 1275/2008;
- (11) 'network standby mode' is defined as in Regulation (EU) No 801/2013;
- (12) 'Off mode' is defined as, in accordance with Regulation (EC) No 1275/2008, a condition in which the household dishwasher is connected to the mains power source and is not providing any function;
- (13) 'left-on mode' means the lowest power consumption mode that may persist for an indefinite time after completion of the programme and unloading of the machine without any further intervention of the user;
- (14) 'equivalent household dishwasher' means a model of a household dishwasher placed on the market with the same rated capacity, technical and performance characteristics as regards generic and specific eco-design requirements, energy and water consumption and airborne acoustical noise emissions as another model of a household dishwasher placed on the market under a different commercial code number by the same manufacturer;
- (15) P_o (W) is the power consumption in off mode, expressed in Watt and rounded to two decimal places;
- (16) P_l (W) is the power consumption in left-on mode, expressed in Watt and rounded to two decimal places;
- (17) P_b (W) is the power consumption in any mode before the initiation of the cleaning programme, expressed in Watt and rounded to two decimal places;
- (18) P_n (W) is the power consumption in networked standby mode, expressed in Watt and rounded to two decimal places;
- (19) 'spare part' means a separate part that can replace a part with the same or similar function in an appliance. The part is considered necessary for use if the appliance cannot function as intended without that part. The functionality of the appliance is restored or is upgraded when the part is replaced by a spare part;

- (20) ‘independent operator’ means an undertaking other than authorised retailer and repairer which is directly or indirectly involved in the repair and maintenance of household dishwashers.

Article 3

Ecodesign requirements

1. The generic ecodesign requirements for household dishwashers are set out in point 1 of Annex I.
2. Additional generic ecodesign requirements for household dishwashers on repair and end-of-life aspects are set out in point 2 of Annex I.
3. The specific ecodesign requirements for household dishwashers are set out in point 2 of Annex I.
4. Compliance of household dishwashers with the applicable ecodesign requirements shall be measured in accordance with the methods set out in Annex II.

Article 4

Conformity assessment

1. 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 for assessing conformity set out in Annex V to that Directive.
2. For the purposes of conformity assessment pursuant to Article 8 of Directive 2009/125/EC, the technical documentation file shall contain the results of the calculation set out in Annex II to this Regulation.

Where the information included in the technical documentation for a particular household dishwasher model has been obtained by calculation on the basis of design, or extrapolation from other equivalent household dishwashers, or both, the technical documentation shall include details of such calculations or extrapolations, or both, and of tests undertaken by manufacturers to verify the accuracy of the calculations undertaken. In such cases, the technical documentation shall also include a list of all other equivalent household dishwasher models where the information included in the technical documentation was obtained on the same basis.

Article 5

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 power consumption 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 6

Verification procedure for market surveillance purposes

Market surveillance shall be carried out in accordance with the rules specified in Directive 2009/125/EC.

Assessment of household dishwashers for compliance with the applicable ecodesign requirements set out in Annex I to this Regulation shall be carried out in accordance with the verification procedure set out in Annex III to this Regulation.

Article 7

Benchmarks

The indicative benchmarks for best-performing household dishwashers available on the market are set out in Annex IV.

Article 8

Revision

The Commission shall review this Regulation in the light of technological progress and present the result of this review to the Ecodesign Consultation Forum no later than 5 years after its entry into force.

The review shall in particular assess if the improvement potential with regard to energy and environmental performance of household dishwashers has been fully exploited in view of technological progress. Furthermore, the review shall assess if further requirements on material efficiency, including reparability, durability, upgradability and recyclability or the identification of certain materials and substances of household dishwashers can be established.

Article 9

Repeal

Regulation 1016/2010 is repealed as of 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.

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 V to this Regulation.

Article 11

Entry into force and application

1. This Regulation shall enter into force on the 20th day following its publication in the Official Journal of the European Union.

2. The ecodesign requirements listed in points 1, 2 and 3 of Annex I shall apply from [1 December 2020].

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

Done at Brussels,

For the Commission
Jean-Claude JUNCKER
The President

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