

Brussels, XXX
[...] (2017) XXX draft

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

of XXX

supplementing Regulation (EU) 2017/1369 of the European Parliament and of the Council with regard to energy labelling of household washing machines and washer-dryers,

**repealing
Regulation (EU) No 1061/2010 with regard to energy labelling of household washing machines**

**and,
Commission Directive 96/60/EC implementing Council Directive 92/75/EEC with regard to energy labelling of household combined washer-dryers**

(Text with EEA relevance)

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EXPLANATORY MEMORANDUM

1. CONTEXT OF THE DELEGATED ACT

Grounds for and objectives of the proposal

The Energy Labelling Framework Regulation (EU) No 2017/1369¹ establishes a framework for the provision of accurate, relevant and comparable information on the specific energy consumption of products groups and other environmental information, and facilitates the customer's choice in favour of products that are more resource efficient.

It is a key instrument of the Union policy for improving the energy and other environmental aspects of products placed on the market or put into service in the European Economic Area (EEA). It is an important instrument for achieving the EU energy savings objectives for 2020 and 2030, and its implementation is one of the priorities in the Commission's Communication on Energy 2020 and Energy Efficiency Plan 2011, being reinforced by the current Ecodesign Working Plan 2016-2019. It is also expected to contribute significantly to the transition towards a more circular economy, as expressed in the Circular Economy action plan. Furthermore, implementation of Regulation (EU) No 2017/1369 will contribute to the EU's target of reducing greenhouse gases by at least 20% by 2020 and by 40% by 2030.

The revision clause (Article 7) of Regulation EU (No) 1061/2010 on energy labelling for household washing machines states that by December 2014 the Commission should revise this Regulation in the light of the technological development and in particular assess the verification tolerances. The Directive 96/60/EC on the energy label for household washer-dryers came into force in 1996 and is still in place.

Washing machines and washer-dryers were included as one of the priority products for revision in the Ecodesign Working Plan 2016-2019. Washing machines and washer-dryers are also among the product groups mentioned in Article 11(5)(b) of Regulation 2017/1369 for which the Commission should adopt a delegated act to rescale the label by 2 November 2018. The rescaling exercise will result in replacing the existing range of energy classes of A+++ to G by an A to G range.

In accordance with Article 11(8) of Regulation (EU) 2017/1369, no products are expected to fall into energy class A when the rescaled label is introduced, and the estimated time within which a majority of models falls into that class is at least 10 years.

In order to revise both Regulations on ecodesign and energy labelling of washing machines and the Directive on labelling of washer-dryers, a review study² was launched in 2014, resulting in a final report published in September 2017. The study included a stakeholder survey, two stakeholder meetings in 2015 and a web-seminar in 2016. It involved approximately 140 stakeholders.

General context

Household washing machines and household washer-dryers are widely used in the European Union. It is estimated that on average 92% of the European households are equipped with a household washing machine and approximately 4% of those own a washer-dryer.

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 Ecodesign and energy label preparatory study on Washing machines and washer-dryers, available at: http://susproc.jrc.ec.europa.eu/Washing_machines_and_washer_dryers/documents.html

Without further energy efficiency measures, the total electricity consumption of washing machines and washer-dryers in the EU is expected to reach 28.65 TWh/year and 2.59 TWh/year, respectively, by 2030. Together this is equivalent to 11.33 million ton CO_{2eq}. Additionally, the water consumption related to these products is expected to reach 2200 million m³ of water in 2030.

The energy consumption and emissions related to the usage of washing machines and washer-dryers can be further reduced below the level they would reach in a business-as-usual scenario in a cost-effective way.

The main reasons for not realising these saving potentials are the failure of the market to:

- (i) provide a better fit between the washing programmes used for testing and optimised by manufacturers and the main washing programmes actually used by consumers;
- (ii) provide a better matching between the usual wash loading by users and the rated capacity or loading adaptation of the washing machines and washer-dryers;
- (iii) guide consumers to make informed purchase decisions based on the life cycle cost rather than the purchase cost (asymmetric information); and
- (iv) provide information and incentives for repairing the appliances and managing properly 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 the revision of the Regulation and the Directive is to trigger a change in market conditions and appliances optimisation. It is also to rescale the label in accordance with Regulation 2017/1369.

The proposed revision is expected to reduce the total energy consumption of these products each year across the EU compared to a business-as-usual scenario by around 1.5 TWh/year, 0.5 Mt CO₂ eq/year and up to 45 million m³ water per year by 2030. It is also expected 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

The Energy Labelling Framework Regulation 2017/1369 is an important instrument for achieving the European targets on energy efficiency.

Additionally, other eco-design regulations are of relevance for washing machines and washer-dryers such as the standby and off mode regulation 1275/2008, the ecodesign regulation 801/2013 on networked standby or the low voltage directive 201/35/EC and the electromagnetic compatibility directive 2014/30/EC.

Regarding the legislation set in third countries, many economies around the world (e.g. US, Japan, Australia, China, Brazil or Mexico) have introduced in recent years some sort of legislation on these products. The US Department of Energy introduced in 2011 modified energy factors and modified water factors that were revised in 2012. This regulation proposed several steps for improvement and the last one will come into force in 2018. Additionally, approximately the 25% best performing machines in terms of energy consumption may be awarded the Energy Star.

The performance of washing machines is tested in accordance with standard EN 60456:2011 that was developed under the mandate M/458 to facilitate the implementation of these

Regulations. This standard thoroughly describes the methodology for measuring the washing performance, energy consumption of the main cycle and low power modes, water consumption and time of the standard washing programmes.

Mandate M/458 also required the development of procedures and methods for measuring the rinsing efficiency of household washing machines. In principle EN 60456:2011 describes a procedure for measuring rinsing efficiency by measuring the remaining alkalinity in the load after the spinning. However, it suffers from poor reproducibility and does not allow for comparison of different machines tested in different locations. No agreement has been reached so far on a reliable methodology to measure the rinsing efficiency of these appliances.

Directive 96/60/EC regulates the energy labelling of washer-dryers. The performance of washer-dryers is tested in accordance with EN 50229 that was published in 1997 and modified subsequently to include the changes in EN 60456 and EN 61121. This standard deals with performance criteria including energy and water consumption for the 60°C cotton wash programme as specified in EN 60456 and energy and water consumption of the drying cycle based on EN 61121.

Revised standards would be needed for the implementation of the proposed Regulation for washing machines and washer-dryers.

2. CONSULTATIONS PRIOR TO THE ADOPTION OF THE ACT

Consultation of interested parties

Methods used, main sectors targeted and general profile of respondents

The Commission consulted interested parties from within and outside the EU, and Member States' experts from the very beginning of the review study for this Regulation. The proposed working documents (on energy and ecodesign) are to be discussed in the Ecodesign and Energy Labelling Consultation Forum set up under Directive 2009/125/EC and Regulation 2017/1369. The Consultation Forum comprises Member States' experts and a balanced representation of interested parties, namely manufacturers, retailers, environmental NGOs and consumer organisations. The Commission presented a working document proposing a revision of the energy label requirements for washing machines and washer-dryers at the Consultation Forum meeting of 23 November 2017.

All relevant working documents were circulated to the Member States, the European Parliament and interested parties, and the working documents for the Consultation Forum were published in the Commission's CIRCA system, together with comments received in writing from interested parties. Commission staff also discussed the initiative bilaterally with various interested parties and Member States. The World Trade Organisation was notified of the draft Regulation on [*insert date*], to ensure that no barriers to trade (prohibited under the Technical Barriers to Trade Agreement) would be introduced.

Collection and use of expertise

Relevant scientific fields

Internal and external expertise was mainly gathered through the review study, which were designed to provide technical, environmental and economic analysis.

Methodology used

The technical, environmental and economic analysis followed the structure recommended in the study *Methodology for Ecodesign of Energy-related Products*.

Main organisations and experts consulted

The review study was conducted as an open process, with input from interested parties including individual manufacturers, associations of manufacturers, repairers and waste managers, representatives of the national bodies, environmental NGOs, consumer organisations and experts.

Publication of the expert advice

Interim results of the review study and further relevant material were published regularly on a website created for the study so that interested parties could consult this information and provide their input promptly³). Additionally, all registered stakeholders were invited to provide comments on the published study throughout an information exchange information platform (BATIS).

Interested parties were invited to consultation meetings held in June 2015, in November 2015 and in October 2016 to discuss the preliminary results. The written contributions received during the consultation process [and the minutes of the Consultation Forum meeting] are available on the Commission's CIRCA portal.

The review study made a number of recommendations for ecodesign and energy label requirements that could be introduced or modified for washing machines and washer-dryers. These were based on the technical, market and economic analysis carried out. The Commission used these recommendations, together with the most recent data available from the industry, as the basis for the possible ecodesign and energy label requirements presented to the Consultation Forum. The views expressed by the members of the Consultation Forum were addressed during the impact assessment.

The main results of the review study are the following:

- Energy label classes: Most of the washing machines already exceed the highest current energy efficiency class A+++, especially appliances with large rated capacity and heat pump washing machines. A rescaling of the energy labelling classes should therefore simplify comparisons for consumers and provide an incentive to manufacturers to continue improving their appliances
- Range of programme: Washing machines are characterised by offering a broad range of programmes, besides the standard cotton 40°C/60°C programmes which are the basis for the energy label. Usually, non-standard programmes are not optimised for energy efficiency to the same extent as the standard programmes. A user survey undertaken in 2015 indicated that 90% of respondents expect or understand the label to represent the performance of the washing machine in all programmes, not only in some of them.
- Use of standard programmes: Especially for washing machines, the standard cotton 40°C/60°C programmes are actually used only to a minor extent (17% altogether, or 5% if considering only the programmes lasting more than 3 hours). There are other programmes for the same purpose (i.e. the 'normal' cotton 40°C/60°C programmes) which are used more often (26% altogether) which consume more energy and water than the standard programmes. In some appliances, consumers can also alter the standard cotton 40°C/60°C programmes by adding options such as 'short' or different temperatures. Such alterations tend to increase the energy and/or water consumption of the standard programmes.

³ (http://susproc.jrc.ec.europa.eu/Washing_machines_and_washer_dryers/index.html)

- Programme duration: The standard cotton 40°C/60°C programme, whose combined consumption is displayed on the energy label and thus influences the purchase decisions of consumers, is designed to improve the energy efficiency, often with the consequence of reducing the washing temperature and prolonging the programme duration. This consequence is in contradiction with the usual preference of consumers. The 2015 user survey indicated that most consumers accept a maximum of 2 to 3h whereas there is clear reluctance to use longer programmes (beyond 3 hours).
- Loading of machines: In general, consumer research shows that the average amount of load in actual conditions of use is around 3.4 kg per cycle for the cotton programmes. This load is much lower than full load and lower than the average 5 kg load used for measurement under standard conditions for a 7 kg capacity machine. In parallel, the market seems to evolve towards an increase of the rated load capacity of machines. The current calculation of the Energy Efficiency Index makes it relatively easier for large machines to reach good labels. However, the lower consumption values per kilogram of laundry are only obtained if the machines are fully loaded, which is generally not the case in actual households conditions. Corrective actions should aim at increasing the loading of the machines, as it is one key aspect to increase their energy efficiency. According to the review study, even relatively small increases of load (e.g. 4-8%) would be beneficial for the overall performance of the machines.
- Technical innovation: the results from the review show that further energy savings for washing machines could be achieved by technical improvement in permanent magnet motors, improved drenching, improved load detection and partial load adaptation, automatic detergent dosage or consumer feedback on loading. These options barely influence the life cycle cost. The use of heat pumps leads to energy savings but these savings do not compensate for the initial investment cost over the lifetime of the appliance. For washer-dryers further improvement in the technical design includes options such as permanent magnet motors, improved load detection and adaptation, improve drenching, automatic detergent dosage, consumer feedback on loading and improvement of the drying phase through air condensing or design of combined wash&dry programme. These options barely influence the life cycle cost. The use of a heat pump for improving the drying process represents a significant investment cost but it also leads to significant energy saving and it can therefore be considered as a suitable technology option for this appliance.
- Durability: Statistics point to an increased proportion of household washing machines which have to be replaced earlier than the expected average lifetime, especially within the first 5 years due to a defect. Early device defects may be due in part to inadequate consumer behaviour.

The main result of the review study regarding the particular aspect mentioned in Article 7 of Regulation 1061/2010 is the following:

- Verification tolerances: the current tolerances (10% for single tests and 6% for three appliances tests) seem appropriate in view of stakeholders' feedback. However, this review study proposes changes in the testing portfolio which may need to revalidate the verification tolerances by means of round robin tests (also called ring test) performed among different laboratories.

[In order to assess different policy options that could address the points above, several scenarios were envisaged. In addition to 'business-as-usual' case (i.e. not introducing any change other than the re-scaling of the energy classes), options include introducing changes in

the testing conditions of products, keeping the energy label only, implementing ecodesign measures and re-scaling the energy labelling with more demanding conditions and integrating resource-efficiency aspects.

Based on an assessment of the costs and benefits of the options, the scenario that combines ecodesign requirements with rescaling of the energy label for washing machines and washer-dryers were chosen as the preferred options. Additionally, the option that pointed out the cotton 40°C programme as the unique testing programme for the washing process was considered as one of the most feasible and beneficial options.]

This option would result in lower overall energy consumption, lower water consumption and related emissions and could be achieved at no excessive lifecycle cost for the products within scope, as well as material efficiency requirements, which were analysed in parallel in consultation with experts and interested parties.

Implementation of the requirements proposed in the working documents would result in the following savings:

- for washing machines, around 1.4 TWh electricity savings can be achieved due to rescaling of the energy label.
- for washer-dries, around 0.1 TWh energy saving in 2030 due to the revised energy label.

The aim of the measures is to address the market failure that has led to the sub-optimal design and low use of washing machines and washer-dryers programmes with improved environmental performance. The chosen option best fulfils the requirements of the revised energy labelling framework regulation.

The proposed energy labelling Regulation will have the following impacts:

- realising the potential for cost-effective improvements to the energy efficiency of washing machines and washer-dryers;
- reducing the use-phase energy consumption (and related emissions) of washing machines and washer-dryers, thus reducing the overall effect that these products have on the environment;
- reducing the combined cost of purchase and use for the consumer: consumers may have to pay more for the washing machines and washer-dryers but they will save in energy costs, resulting in a pay-back time shorter than the lifetime of the product;
- keeping a clear legal framework that ensures fair competition;
- improving the competitiveness of industry;
- benefiting employment in the EU;
- harmonising EU requirements for the placing on the market of washing machines and washer-dryers relating to energy efficiency and emissions, thus ensuring the lowest possible administrative burden and cost for businesses;
- avoiding, as far as possible, creating a disproportionate burden or additional costs for manufacturers, by providing for transitional periods that take into account redesign cycles, the pace of innovation and the return on investment.

3. LEGAL ELEMENTS OF THE DELEGATED ACT

3.1. Summary of the proposed action for Energy Label Regulation

1. Definition of the scope of the proposed Regulations

The working document establishes energy label requirements for the placing on the market of electric mains-operated household washing machines and household washer-dryers, and electric mains-operated household washing machines and household washer-dryers that can also be powered by batteries, including built-in household washing machines and washer-dryers.

2. Information on the label for both appliances

- (1) Re-scaled label introducing A to G classes in accordance with Regulation 2017/1369;
- (2) Weighted energy consumption (E_c) in kWh per cycle;
- (3) Weighted water consumption (W_c) in liters per cycle;
- (4) Time programme in hh:mm;
- (5) Clear indication that the values refer to the 'Cotton 40°C' programme and a combination of loadings

3.2. Measurements and calculations

Measurements and calculations of the relevant product parameters should be performed 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*. Requirements for calculation and measurement methods are laid down in Annex X of the working document.

Following the incorporation into the scope of household washer-dryers and the proposal of new standard cotton programmes, CENELEC should adapt the existing measurement standards that would provide proper measurement methods for all household washing machines and household washer-dryers covered by the scope of the proposed measures.

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 authorities of the Member States shall apply the verification procedure for the requirements set out in Annex IX of the draft revised Energy labelling regulation for household washing machines and washer-dryers.

The verification tolerances set out in this Annex relate only to the verification of the measured parameters by Member States authorities and shall 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 is to be reviewed no later than five years after its entry into force of.

The main issues for a possible revision are:

- energy and water consumption;
- changes in the user behaviour increasing the use of most-efficient programmes;
- assessing if further requirements on increasing material efficiency and durability of the products, including a possible reparability scoring can be applied.

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

of XXX

supplementing Regulation (EU) 2017/1369 of the European Parliament and of the Council with regard to energy labelling of household washing machines and washer-dryers,

**repealing
Regulation (EU) No 1061/2010 with regard to energy labelling of household washing machines**

**and,
Commission Directive 96/60/EC implementing Council Directive 92/75/EEC with regard to energy labelling of household combined washer-dryers**

(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 labelling⁴ repealing Directive 2010/30/EU, and in particular Articles 11 and 16 thereof,

Whereas:

- (1) Regulation (EU) 2017/1369 empowers the Commission to adopt delegated acts as regards the labelling or rescaling 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 washing machines were established by Commission Delegated Regulation (EU) No 1061/2010 of 28 September 2010 supplementing Directive 2010/30/EU⁵.
- (3) Provisions on the energy labelling of household washer-dryers were established by Commission Directive 96/60/EC of 19 September 1996 implementing Council Directive 92/75/EEC⁶.
- (4) Washing machines and washer-dryers 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.
- (5) Regulation 1061/2010/EU contains a review clause in Article 7 requiring the Commission to review the regulation in the light of technological progress.

⁴ OJ L 198, 28.07.2017, p. 1.

⁵ OJ L 314, 30.11.2010, p. 47

⁶ OJ L 266, 18.10.1996, p. 1.

- (6) The Commission has reviewed Regulation 1061/2010/EU and Directive 96/60/EC and analysed technical, environmental and economic aspects of household washing machines and household washer-dryers 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 14 of Regulation (EU) 2017/1369.
- (7) The review concluded that there was a need for the introduction of revised energy labelling requirements for household washing machines and that household washer-dryers should be included in the energy labelling Regulation for household washing machines. Consequently, the scope of the Regulation comprises household washing machines and household washer-dryers.
- (8) Household washing-machines and household washer-dryers powered solely by an internal battery should be exempted from the scope of this Regulation.
- (9) Non-household washing machines and non-household washer-dryers have distinct characteristics and uses, and should therefore be exempted from the scope of this Regulation.
- (10) The main environmental aspects of household washing machines and household washer-dryers, identified as significant for the purposes of this Regulation, are energy and water consumption in the use phase. The annual electricity and water consumption of household washing machines subject to this Regulation was estimated to have been 36.4 TWh and 1590 million m³, respectively, in the Union in 2015. For household washer-dryers, including the drying process, this was estimated to have been 2.78 TWh and 91.6 million m³, respectively in the Union in 2015. Unless specific measures are taken, in a Business-as-usual (BAU) scenario, annual electricity of household washing machines is predicted to slightly decrease to 28.65 TWh and water consumption to increase to 2 080 million m³ in 2030. The annual electricity and water consumption of household washer-dryers is predicted to be 2.59 TWh and 120 million m³ in 2030.
- (11) The review has shown that the electricity and water consumption of products subject to this Regulation can be further reduced by implementing energy labelling measures focusing on the most energy-efficient programmes offered by manufacturers and subsequently increased selection of these programmes by consumers.
- (12) [The Commission has consulted the experts designated by each Member State in the Committee established by Article 18 of Regulation (EU) 2017/1369 and in accordance with the principles laid down in the Interinstitutional Agreement of 13 April 2016 on Better Law-Making.]
- (13) Regulation 1061/2010/EU and Directive 96/60/EC should be repealed and new provisions should be laid down by this Regulation.

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 washing machines and electric mains-operated household washer-dryers including those which are

electric mains-operated but can also be powered by batteries, and including built-in household washing machines and washer-dryers.

2. This Regulation shall not apply to non-household washing machines and non-household washer-dryers.

Article 2

Definitions

In addition to the definitions laid down in Article 2 of Regulation (EU) 2017/1369 and the definitions laid down in Annex I of this Regulation, the following definitions shall apply for the purposes of this Regulation:

- (1) 'household washing machine' means an automatic washing machine which cleans and rinses laundry by using water, chemical, mechanical and thermal means, and has a spin extraction function, and which is designed principally for domestic use in compliance with the Low Voltage Directive 2014/35/EU as stated by the manufacturer in the Declaration of Conformity (DoC);
- (2) 'household washer-dryer' means a household washing machine which includes a means for drying the laundry by heating and tumbling in the same drum;
- (3) 'built-in household washing machine or household washer-dryer' means a household washing machine or household washer-dryer intended to be installed in a cabinet, a prepared recess in a wall or a similar location, requiring furniture finishing;
- (4) 'non-household washing machine' means a washing machine used in an environment other than in an individual household or not complying with any other aspect of the definition of a household washing machine;
- (5) 'non-household washer-dryer' means a washer-dryer used in an environment other than in an individual household or not complying with any other aspect of the definition of a household washer-dryer;
- (6) 'programme' means a series of operations that are pre-defined and are declared by the manufacturer as suitable for washing, drying or continuously washing-drying certain types of textile;
- (7) 'programme time' means the time that elapses from the initiation of the programme until the completion of the programme excluding any end-user programmed delay;
- (8) 'remaining moisture content' means for household washing machines the amount of moisture contained in the load at the end of the spinning phase, and for household washer-dryers the amount of moisture contained in the load at the end of the drying phase;
- (9) 'point of sale' means a location where household washing machines or household washer-dryers are displayed or offered for sale, hire or hire-purchase.

Article 3

Obligations of suppliers

1. In addition to the obligations of suppliers laid down in Regulation (EU) 2017/1369, suppliers shall ensure that:
 - (a) each household washing machine and household washer-dryer is supplied with a printed label in the format as set out in Annex IV(A) and each household washer-dryer is supplied with two printed label, one in the format as set out in Annex IV(A) for the washing cycle and one in the format as set out in Annex IV(B);
 - (b) the parameters of the product information sheet, as set out in Annex V, are entered into the product database;
 - (c) if requested by the dealer, the product information sheet shall be made available in printed form;
 - (d) the content of the technical documentation uploaded into the product database is according to Annex VI;
 - (e) any visual advertisement for a specific model of household washing machine or household washer-dryer contains the energy efficiency class and the range of efficiency classes available on the label in accordance with Annex X;
 - (f) any technical promotional material concerning a specific model of household washing machine or household washer-dryer which describes its specific technical parameters includes the energy efficiency class of that model and the range of efficiency classes available on the label, in accordance with Annex X;
 - (g) an electronic label in the format and containing the information as set out in Annex VIII shall be made available to dealers for each household washing machine (and for the washing cycle of the household washer-dryer) and for each household washer-dryer model;
 - (h) an electronic product information sheet as set out in Annex VIII is made available to dealers for each household washing machine (and for the washing cycle of the household washer-dryer) and for each household washer-dryer model;
 - (i) products are not placed on the market 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 specified in this Regulation or included in the documentation provided with the product.
2. The energy efficiency class shall be based on the Energy Efficiency Index calculated in accordance with Annex III.

Article 4

Obligations of dealers

In addition to the obligations of dealers laid down in Regulation (EU) 2017/1369, dealers shall ensure that:

- (a) each household washing machine or household washer-dryer, at the point of sale, bears the label or labels, respectively, provided by suppliers in accordance with Article 3(a) displayed on the outside of the front or top of the household washing machine or household washer-dryer, in such a way as to be clearly visible;

- (b) the label and product information sheet are provided in the case of distance selling in accordance with Annexes VII and VIII;
- (c) any visual advertisement for a specific model of household washing machine or household washer-dryer contains the energy efficiency class and the range of efficiency classes available on the label, in accordance with Annex X;
- (d) any technical promotional material concerning a specific model of household washing machine or household washer-dryer, which describes its specific technical parameters includes the energy efficiency class of that model and the range of efficiency classes available on the label, in accordance with Annex X.

Article 5

Measurement methods

The 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, as set out in Annex III.

Article 6

Verification procedure for market surveillance purposes

Member States shall apply the procedure laid down in Annex IX when assessing the conformity of the declared energy efficiency class, the energy consumption per cycle for washing machines and the washing cycle of washer-dryers, energy consumption per cycle and per kg for washer-dryers, water consumption per cycle, programme time, power consumption in left-on and left-off mode, duration of the left-on mode, remaining moisture content, spin speed, airborne acoustic noise emissions during washing, and spinning and drying (if applicable).

Article 7

Revision

The Commission shall review this Regulation in the light of technological progress and present the results of this review to the Consultation Forum no later than five years after its entry into force. The review shall in particular assess if the improvement potential with regard to energy and water consumption during the use phase and environmental performance of household washing machines and washer-dryers has been fully exploited by realising changes of user behaviour towards increased purchase of the most energy and resource efficient appliances and the usage of the most energy and resource efficient programmes and if a reparability scoring system in the label would be feasible and beneficial.

In addition, the Commission shall review the label with a view to rescaling it when the requirements in Article 11 of the Regulation (EU) 2017/1369 are met.

Article 8

Repeal

Regulation 1061/2010 is repealed as of the day of entry into force of this Regulation.

Directive 96/60EC is repealed as of the day of entry into force of this Regulation.

Article 9

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. It shall apply from XXXX.
3. The obligation in Article 3(1)(a) and (b) shall apply four months before XXXX.

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

Done at Brussels,

Done at Brussels,

Jean-Claude JUNCKER
The President