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[...] (2018) 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 household washer-dryers

and 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-driers

(Text with EEA relevance)

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EXPLANATORY MEMORANDUM

1. CONTEXT OF THE DELEGATED ACT

Legal and political context of the proposal

In the EU, the Ecodesign Framework Directive sets a framework requiring manufacturers of energy-related products to improve the environmental performance of their products by meeting minimum energy efficiency requirements, as well as other environmental criteria such as water consumption, emission levels or minimum durability of certain components before they can place their products on the market. The Energy Labelling Framework Regulation (EU) 2017/1369 establishes a framework for the provision of accurate, relevant and comparable information on the specific energy consumption of energy-related products and other environmental information, and facilitates the customer's choice in favour of products that are more resource efficient. It 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 the two aforementioned pieces of legislation.

The ecodesign and energy labelling framework are central to making Europe more energy efficient, contributing in particular to the 'Energy Union Framework Strategy', and to the priority of a 'Deeper and fairer internal market with a strengthened industrial base'. Firstly, this legislative 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. In the industrial and services sectors, this results in support to competitiveness and innovation. Thirdly, it ensures that manufacturers and importers responsible for placing products on the European Union (EU) market only have to comply with a single EU-wide set of rules.

These two instruments are key components 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 plan¹. 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.

Under this framework, household washing machines are regulated by Commission Delegated Energy Labelling Regulation (EU) No 1061/2010² and Commission Directive 96/60/EC on energy labelling of household combined washer-driers³.

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

¹ Closing the loop - An EU action plan for the Circular Economy". COM(2015) 614 final, Brussels, 2.12.2015

² Commission Delegated Regulation (EU) No 1061/2010 of 28 September 2010 supplementing Directive 2010/30/EU of the European Parliament and of the Council with regard to energy labelling of household washing machines, *OJ L 314*, 30.11.2010, p.47

³ Commission Directive 96/60/EC of 19 September 1996 implementing Council Directive 92/75/EEC with regard to energy labelling of household combined washer-driers, *OJ L 266*, 18.10.1996, p. 1

verification tolerances. Directive 96/60/EC on the energy label for household washer-driers came into force in 1996 and is still in force.

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.

Moreover, the Ecodesign working plan 2016-2019 also require, in particular, to examine how aspects relevant to the circular economy can be assessed and taken on board. This is in line with the Circular Economy action plan, which concluded that product design is a key in achieving the goals, as it can have significant impacts across the product life cycle (e.g. in making a product more durable, easier to repair, reuse or recycle).

Finally, several new policy initiatives indicate that ecodesign and energy labelling policies are relevant in a broader political context. The main ones are the Energy Union Framework Strategy, which calls for a sustainable, low-carbon and climate-friendly economy, the Paris Agreement⁴, which calls for a renewed effort in carbon emission abatement, the Gothenburg Protocol⁵, which aims at controlling air pollution, the Circular Economy Initiative⁶, which amongst others stresses the need to include reparability, recyclability and durability in ecodesign, the Emissions Trading Scheme (ETS)⁷, aiming at cost-effective greenhouse gas (GHG) emissions reductions and indirectly affected by the energy consumption of the electricity using products in the scope of ecodesign and energy labelling policies, and the Energy Security Strategy⁸, which sets out a strategy to ensure a stable and abundant supply of energy.

General context

In order to revise both Regulations on ecodesign and energy labelling of washing machines and the Directive on labelling of washer-dryers, a review study⁹ 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.

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.

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

⁴ [Global agreement in response to climate change of 2015 \(Paris Agreement\)](#)

⁵ [Protocol to abate acidification, eutrophication and ground-level ozone of 1999](#) (Gothenburg Protocol)

⁶ [Communication From The Commission To The European Parliament, The Council, The European Economic And Social Committee And The Committee Of The Regions Closing The Loop - An EU Action Plan For The Circular Economy](#) (Circular Economy Initiative)

⁷ https://ec.europa.eu/clima/policies/ets_en (ETS)

⁸ [Communication of the commission to the European Parliament and the Council European Security Strategy](#). Com/2014/0330 final.

⁹ 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

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 achieving 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 (EU) 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 2.48 TWh/year, 1.08 Mt CO₂ eq/year and up to 711 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 the EU and third countries

The Energy Labelling Framework Regulation 2017/1369 is an important instrument for achieving the Union energy efficiency targets for 2020 and 2030.

Additionally, other eco-design regulations are of relevance for washing machines and washer-dryers such as the standby and off mode Regulations (EC) No 1275/2008, the ecodesign Regulation (EU) No 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 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. But it suffers from poor reproducibility and does not allow for comparison of different machines tested in different locations. However, testing methods have progressed recently and a new method (LAS) is currently available, making it possible to introduce some requirements.

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 single Regulation for washing machines and washer-dryers.

2. CONSULTATIONS PRIOR TO THE ADOPTION OF THE ACT

There has been extensive consultation of stakeholders during the review studies, and before and after the Consultation Forum meeting. Further external expertise was collected and analysed during this process. The results of the stakeholder consultation are further described in this section.

2.1. REVIEW STUDY AND STAKEHOLDER CONSULTATIONS

In the context of the review of Regulations (EU) No 1015/2010 and (EU) No 1061/2010 an inclusive stakeholder consultation took place, with the aim to gather feedback from a wide audience. The Review Study started in 2015 and was completed in 2017. It followed the structure Methodology for Ecodesign of Energy related Products (MEErP)¹⁰.

The review study covered household washing machines and household washer-dryers in the current scope of the Commission Regulations and Directive. A technical, environmental and economic analysis was performed. This assessed the need of updating the requirements for these products and to assess policy options. This was done as per the review clause of the Regulations, and within the framework of the Ecodesign Directive and Energy Labelling Regulation.

The review study was developed in an open process, taking into account 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. During the study, two face-to-face meetings with stakeholders were held on the 24th June 2015 in Seville and 18th November 2015 in Brussels and a webinar was held on the 7th October 2016. The minutes of these meetings are available at: http://susproc.jrc.ec.europa.eu/Washing_machines_and_household_washer_dryers/index.html

2.2. WORKING DOCUMENTS AND CONSULTATION FORUM

The Commission services prepared two Working Documents with 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 ENVI and ITRE Committees of the European Parliament. The Consultation

¹⁰ [Kemna, R.B.J., Methodology for the Ecodesign of Energy-related Products \(MEErP\) – Part 2, VHK for the European Commission, 2011](#) (MEErP)

Forum consists of a balanced representation of MS representatives, industry associations and NGOs in line with Article 18 of the Ecodesign Directive. On 18 December 2017, they were discussed in the Consultation Forum meeting.

The Working Documents were circulated before the meeting to the members of the Consultation Forum. More than 20 papers were received and analysed by the Commission Services before and after the Consultation Forum.

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

The comments of the main stakeholders on key features of the Working Document received during and after the Consultation Forum can be summarised as follows:

Change of testing programme: stakeholders were split on the introduction of a requirement on the minimum temperature in laundry core for the testing programme (cotton 40) and for the cotton 60 programme; several Member States were not in favour of this requirement and would prefer a requirement on the maximum duration of testing programmes (time cap) instead; industry stakeholders were against a requirement on the temperature of the cotton 60 programme and against a time cap but the programme duration could be given as indication; consumer organisations and environmental NGOs preferred to have both requirements and, for consumers, that the minimum temperature equals the nominal temperature of programmes.

On the specific case of the **cotton 60 programme**, opinions were also split if this programme was to be considered a hygienisation programme, whether 45°C was a sufficient temperature and whether there should be such hygienisation programme at all.

Possible addition of rinsing performance: several Member States requested the introduction of a new requirement on a minimum rinsing performance, based on the recent development of a new measurement method; industry and standardisation experts are undertaking a series of tests to provide the basis for a scale or for minimum performance; some Member States were considering the possibility of relaxing the requirement on maximum water consumption to enable the achievement of good rinsing performance.

Regarding **water consumption**, it should also be noted that environmental NGOs commented that the proposed revised measure for water consumption was already lax in comparison with the current one, because of the change of testing programme and the calculation formula with inclusion of partial loads.

On the different loadings to be considered in tests and calculation of the Energy Efficiency Index: stakeholders were generally welcoming the introduction of small loadings in the index, some Member States preferring a fixed load (for example 2 kg) to the proposed quarter of full load; most Member States and consumer and environmental associations were considering that the weighting factors affecting loadings in the EEI calculation should be revised, the proposed ones continuing or even reinforcing the current bias towards large capacity machines; some Member States propose to use an exponential factor instead, as proposed by the Commission for tumble dryers.

On resource efficiency requirements: Stakeholders were generally 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) concurred 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.

On the energy label for washer-dryers: stakeholders were generally against the proposal of two labels for washer-dryers (one for the washing cycle, one for the combined washing and drying cycle) and in favour of one label – for some stakeholders with two energy scales, for others with only one.

2.4. OPEN PUBLIC CONSULTATION

An *online public consultation (OPC)*¹¹ took place from 12th February to 7th May 2018, with the aim to collect stakeholders' views on issues such as the expected effect of potential legislative measures on business and on energy consumption trends.

The OPC contained a common part on Ecodesign and Energy labelling, followed by product specific questions on (i) refrigerators, (ii) dishwashers, (iii) washing machines and washer-dryers, (iii) televisions, (iv) electronic displays and (v) lighting.

1230 responses were received of which 67% were consumers and 19% businesses (of which three quarters were SMEs and one-quarter large companies). NGOs made up 6% of respondents, and 7% were "other" categories. National or local governments were under 1% of respondents, and 0.25% came from national Market Surveillance Authorities.

The countries of residence of the participants were predominantly the UK (41%) and Germany (26%), with a second group of Austria, Belgium, France, the Netherlands and Spain comprising together some 17%. Nine other Member States comprised another 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.

It should be noted that 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 answers" was deducted and the remaining answers treated as 100%.

2.4.1 Overall results

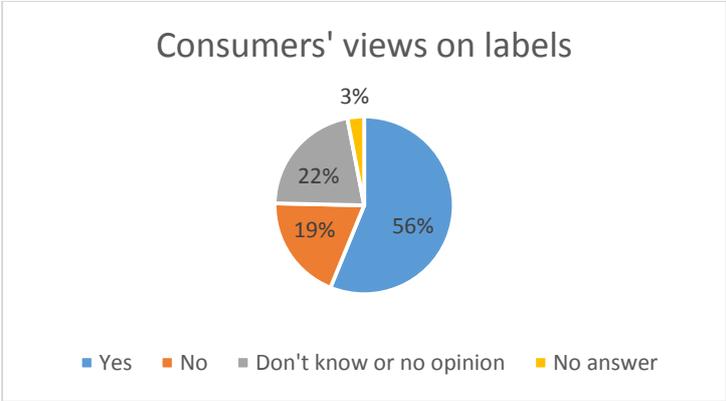
The first part of the questionnaire asked general questions aimed at EU citizens and stakeholders with no particular specialised knowledge of ecodesign and energy labelling regulations.

When asked regarding whether their professional activities related to products subject to Ecodesign or Energy Labelling, two-thirds (67%) of business respondents replied in the positive, and one-third (33%) in the negative, with no "no answer" replies. Almost the same percentages for "yes" (63%) and "no" (37%) were given when the business entities were asked whether they or their members knew of the Ecodesign requirements for one or more of

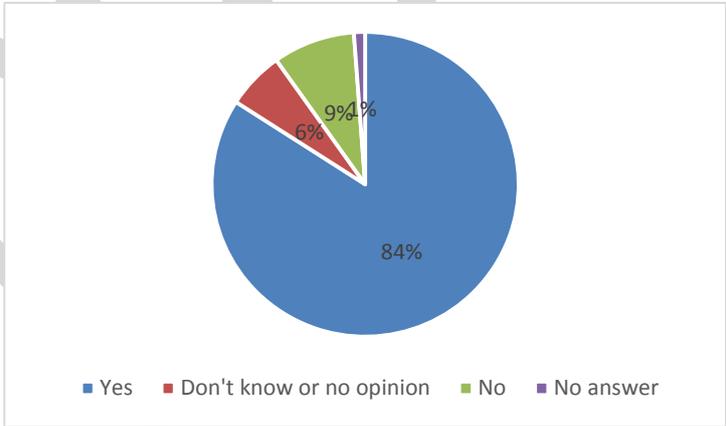
¹¹ https://ec.europa.eu/info/consultations/public-consultation-ecodesign-and-energy-labelling-refrigerators-dishwashers-washing-machines-televisions-computers-and-lamps_en

the product groups concerned by the questionnaire, although this was reduced to 50% "yes" and 50% "no" when asked about Energy Labelling.

In reply to the question: "In your opinion, does the EU energy label help you (or your members) when deciding which product to buy?" 56% of the total respondents to the OPC gave a positive answer. Of the remainder, around 22% cited "don't know or no opinion", 3% did not reply and 19% responded negatively.



However, looking only at the 'lighting respondents' (526 of the total 1230), 73% of them replied 'No', 'Don't know or no opinion', or 'no answer'. Given that the 'lighting respondents' mainly focused their comments on a narrow issue related to the current exemption for theatre lighting under ecodesign, the replies of these respondents to the earlier questions cannot necessarily be considered representative. Therefore, the calculation was also done with "lighting respondents" removed. Then, 84% of the respondents to the OPC agree that the EU Energy Label helps when deciding which product to buy. Of the remainder, around 7% cited "don't know or no opinion" or did not reply and 9% responded negatively.



When asked where they would look to find additional technical information about a product, respondents listed the following (more than one response permitted), ranked by the options provided: manufacturer's website (82%), the booklet of instructions (50%), [the Ecodesign] product information sheet (47%), internet user fora (39%), the retailer's website (18%), and consumer organisations (10%).

Some 63% of the participants were in favour of including Ecodesign requirements on reparability and durability, and 65% of respondents considered that this information should be on Energy Labels.

Regarding the reparability of products, participants valued mostly as "very important" to "important" (in the range 62%-68%)¹² each of the following: a warranty, the availability of spare parts, and a complete manual for repair and maintenance. The delivery time of spare parts was rated as 56% "very important" to "important".

2.4.2 Small and Medium Enterprises (SME)¹³ Consultation

One of the aims of the OPC was to gather specific information on SMEs' roles and importance on the market, and to acquire more knowledge on how the aspects related to the environmental impacts of these six product groups were considered by SMEs.

The quali-quantitative evaluation of the effect on SMEs of potential regulatory measures for the environmental impact of all six product categories gave the following results. Approximately 10.5% of replies were from SMEs. These SMEs were involved in the following activities (most popular cited first): (i) product installation, (ii) rent/ leasing of appliances, (iii) repair, (iv) retail of appliances or spare parts, (v) final product manufacture/ assembly, (vi) sale of second-hand appliances, (vii) "other" activities, and (viii) manufacture of specific components.

In the OPC responses, SMEs reported that they were aware of the Ecodesign and EU 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" (6%) when asked about the potential impact on their businesses per se, or potential impacts on SMEs compared to larger enterprises, of 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 relating specifically to Household Washing Machines and Household Washer-dryers

Regarding technical questions on household washing machines and household washer dryers, consumers overall had some awareness (around 30%) that longer washing programmes tended to promote energy savings. However, the caveat is that around 20% were not aware of this relationship, and around 50% overall either gave a "don't know/ no opinion" answer (13%) or no answer (38%).

It is important to note that around 45% considered that the relation between time duration and energy use should both be shown on the Energy Label, and also made more clearly visible on the appliance per se.

Regarding the performance of the washing machines and the most relevant issues to select the testing programmes, consumers ranked as important or very important (a combined 45%) the selection of the most frequently-used programmes. Regarding programme duration, low power modes and programme duration, consumers ranked them consistently as 33% either "important" or "very important", with an additional 10% ranking them as "somewhat important" (i.e., overall 43% for "somewhat important" to "very important"). Consumers also considered that the energy consumption, energy efficiency and water consumption were the most relevant parameters to be communicated on the EU Energy Label. A second grouping of

¹² Scale ranging from not important, somewhat important, important, very important, don't know or no opinion and no answer

¹³ SMEs < 250 employees

quite highly ranked elements that respondents wanted to have on the EU Energy Label included capacity, noise, washing performance and spin-cycle efficiency.

Regarding material efficiency elements, respondents gave the following answers for "important" and "very important" rankings: warranty (45%), a list of certified repairers (35%), quick repair time (45%), spare parts and instructions to enable self-repair (35%). If the "somewhat important" ranking is included for each of the above elements, this captures in each case an additional 5%-10% of respondents.

The two most numerous responses for the expectation of how long spare parts were expected to remain available for washing machines were: more than 10 years (35% of respondents), and between 5-10 years (16%). Fewer than 2.5% of respondents cited a period of 5 years or less. (8% "don't know/ no opinion" responses were recorded, and 38% gave no reply).

2.5. IMPACT ASSESSMENT

An Impact Assessment is required when the expected economic, environmental and social impacts of EU action are likely to be significant. The Impact Assessment for the review of Regulations (EU) No 1015/2010 and (EU) No 1061/2010 was carried out between January and April 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. During this process, several meetings were held with industry and Member States experts. The additional data and information collection focused on:

- additional market data, especially the differences between number of models and volume of sales of the energy efficiency classes for the period 2005-2015 for household washing machines and 2012-2015 for household washer dryers
- fine tuning of the metrics (revised standard)

An Inception Impact Assessment (IIA) "Regulatory measures on the review of Ecodesign requirements for household washing machines and household washer dryers"¹⁴ and the Inception Impact Assessment "Regulatory measure on the reviews of Energy Labelling for household washing machines and household washer dryers (EU) No 1061/2010" were published before the CF. Feedback on both the above IIAs were received (with 11 and 9 comments, respectively) on a number of aspects. In general, the feedback supported the Ecodesign and Energy Label requirements for household washing machines and household washer dryers as they help mitigate climate change, help EU citizens save their bills, and better integrate domestic appliances on a Circular Economy through the proposed reparability and recyclability requirements.

The submitted feedback commented on the strictness of the Ecodesign requirements regarding energy minimum requirements, the testing programmes, and the low power modes as well as several aspects of the information to be included on the energy label. The feedback also focused on the resource efficiency aspects that are in general strongly supported and some additional proposal were made in order to ensure their proper implementation.

3. LEGAL ELEMENTS OF THE DELEGATED ACT

3.1. SUMMARY OF THE PROPOSED ACTION FOR ENERGY LABEL REGULATION

¹⁴ Initiative ARES (2015) 476416 and initiative ARES (2018) 476380

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) Rated capacity in kg;
- (3) Weighted energy consumption (E_c) in kWh per cycle;
- (4) Weighted water consumption (W_c) in litres per cycle;
- (5) Programme duration in hh:mm;
- (6) Airborne acoustic noise emissions in dB(A);
- (7) Clear indication that the values refer to the '40-60 eco' programme and for washer-dryer to the 'wash and dry' programme;
- (8) QR code linking to the product database defined in Article 12 of Regulation (EU) 2017/1369

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 to the draft revised Energy labelling regulation for household washing machines and washer-dryers.

The verification tolerances set out in that 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.

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.

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 household washer-dryers

and 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-driers

(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 labelling¹⁵ 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 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 washing machines were established by Commission Delegated Regulation (EU) No 1061/2010 of 28 September 2010 supplementing Directive 2010/30/EU¹⁶.
- (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/EEC.
- (4) household washing machines and household 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 (EU) No 1061/2010 contains a review clause in Article 7 requiring the Commission to review the regulation in light of technological progress.
- (6) The Commission has reviewed Regulation (EU) No 1061/2010 and Directive 96/60/EC and analysed technical, environmental and economic aspects of as well as real-life user behaviour. The review was undertaken in close cooperation with

¹⁵ OJ L 198, 28.07.2017, p. 1.

¹⁶ OJ L 314, 28.09.2010, p. 47

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 household washer-dryers, and that both could be established by the same energy labelling Regulation. Consequently, the scope of this Regulation comprises household washing machines and household washer-dryers.
- (8) The 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 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 review has shown that the electricity and water consumption of products subject to this Regulation can be further significantly reduced by implementing energy label measures focusing on better differentiating between products to ensure incentives to suppliers to further improve the energy and resource efficiency of household washing machines and household washer-dryers, and on better reflecting the actual expectations of consumers when using washing or complete washing and drying programmes.
- (10) Recognizing the growth of sales of energy-related products through web-stores and internet sales platforms, rather than directly from suppliers, it should be clarified that web-stores and internet sales platforms should be responsible for displaying the label provided by the supplier in proximity to the price. They should not be responsible for the accuracy or content of the label provided.
- (11) The measures provided for in this Regulation were discussed by the Consultation Forum and the Member States' experts in accordance Articles 14 and 18 of Regulation (EU) 2017/1369.
- (12) Regulation (EU) No 1061/2010 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

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.

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’, also referred to as ‘washing machine’ in this Regulation, means an automatic washing machine which cleans and rinses household laundry by using water, chemical, mechanical, thermal and electric means, which also has a spin extraction function, and which is declared by the manufacturer in the Declaration of Conformity (DoC) as complying with the Low Voltage Directive 2014/35/EU;
- (2) ‘household washer-dryer’, also referred to as ‘washer-dryer’ in this Regulation, means a household washing machine which, in addition to the functions of an automatic washing machine, in the same drum includes both a spin extraction function and a means for drying the textiles by heating and tumbling, and which is declared by the manufacturer in the Declaration of Conformity (DoC) as complying with the Low Voltage Directive 2014/35/EU;
- (3) ‘built-in household washing machine’ or ‘built-in household washer-dryer’ means a household washing machine or household washer-dryer that is designed and marketed exclusively to be installed inside an enclosing structure such as a kitchen cupboard;
- (4) ‘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;
 - (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 entered into the product database is in accordance with Annex VI;
 - (e) any visual advertisement for a specific model of household washing machine or household washer-dryer, including on the Internet, contains the energy efficiency class and the range of efficiency classes available on the label in accordance with Annex VII;
 - (f) any technical promotional material concerning a specific model of household washing machine or household washer-dryer, including on the Internet, 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 VII;
- (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 model of household washing machine and of household washer-dryer;
 - (h) an electronic product information sheet as set out in Annex VIII is made available to dealers for each model of household washing machine and of household washer-dryer.
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 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 provided by suppliers in accordance with Article 3(a) displayed on the outside on the front or top of the household washing machines or household washer-dryers, in such a way as to be clearly visible;
- (b) in the case of distance selling and sale through the internet, 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 washing machine or household washer-dryer contains the energy efficiency class of that model and the range of efficiency classes available on the label, in accordance with Annex VII;
- (d) any technical promotional material concerning a specific model of household washing machine or household washer-dryer, including on the Internet, 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 VII.

Article 5 **Obligations of internet hosting platforms**

Where a hosting service provider as referred to in Article 14 of Directive 2000/31/EC allows the selling of household washing machines or household washer-dryers through its Internet site, the service provider shall enable the showing of the electronic label and electronic product fiche 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**

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 IV.

Article 7

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 airborne acoustic noise emission class and the other parameters listed in Table 6 of Annex IX.

Article 8

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

- (a) the improvement potential with regard to energy during the use phase and environmental performance of household washing machines and household washer-dryers,
- (b) the effectiveness of existing measures in realising changes of end-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
- (c) the possibility to introduce requirements on circular economy.

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

Article 9

Repeal

Regulation (EU) No 1061/2010 is repealed as of the day of entry into force of this Regulation, except for Articles 3, 4, 5 and 6 thereof and Annexes I to VII thereto that shall apply until this Regulation starts to apply.

Directive 96/60/EC is repealed as of the day of entry into force of this Regulation, except for Articles 1, 2 and 3 thereof and Annexes I to V thereto that shall apply until this Regulation starts to apply.

Article 10

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 **1 April 2021**. However, for the purpose of the obligations laid down in Article 3(1)(a) and (b) this Regulation shall apply from **1 February 2021**.

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

Done at Brussels,

*For the Commission
The President*

DRAFT