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COMMISSION REGULATION (EU) …/…

of XXX

laying down ecodesign requirements for household washing machines and household washer-dryers pursuant to Directive 2009/125/EC of the European Parliament and of the Council, amending Commission Regulation (EC) No 1275/2008

and repealing Commission Regulation (EU) No 1015/2010

(Text with EEA relevance)

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laying down ecodesign requirements for household washing machines and household washer-dryers pursuant to Directive 2009/125/EC of the European Parliament and of the Council, amending Commission Regulation (EC) No 1275/2008

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(Text with EEA relevance)

THE EUROPEAN COMMISSION,

Having regard to Article 114 of the Treaty on the Functioning of the European Union,

Having regard to Directive 2009/125/EC of the European Parliament and of the Council of 21 October 2009 establishing a framework for the setting of ecodesign requirements for energy-related products[1], and in particular Article 15(1) thereof,

Whereas:

(1) The Ecodesign Working Plan 2016-2019 established by the Commission in application of Article 16(1) of Directive 2009/125/EC sets out the working priorities under the ecodesign and energy labelling framework for the period 2016-2019. The Working Plan identifies the energy-related product groups to be considered as priorities for the undertaking of preparatory studies and eventual adoption of implementing measures, as well as the review of the current regulations.

(2) Measures from the Working Plan have an estimated potential to deliver a total in excess of 260 TWh of annual final energy savings in 2030, which is equivalent to reducing greenhouse gas emissions by approximately 100 million tonnes per year in 2030. Household washing and household washer-dryers is among the product groups listed in the Working Plan, with estimated annual electricity savings of 2,5 TWh, leading to GHG emission reductions of 0,8 Mt CO_2 eq/year, and estimated water savings of 711 million m^3 in 2030.

(3) The Commission established ecodesign requirements for household washing machines in Commission Regulation (EU) No 1015/2010[2].

(4) Pursuant to that Regulation, the Commission should review it in light of technological progress.

(5) The Commission has reviewed this Regulation and analysed the 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

[1] OJ L 285, 31.10.2009, p. 10.

[2] Commission Regulation (EU) No 1015/2010 of 10 November 2010 implementing Directive 2009/125/EC of the European Parliament and of the Council with regard to ecodesign requirements for household washing machines (OJ L 293, 11.11.2010, p. 21–30).

countries. The results of the review were made public and presented to the Consultation Forum established by Article 18 of Directive 2009/125/EC.

(6) It appears from the review study that there is a need to revise the ecodesign requirements for household washing machines and to establish ecodesign requirements for household washer-dryers, 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.

(7) Non-household washing machines and non-household washer-dryers have distinct characteristics and uses. They are subject to other regulatory work, in particular Directive 2006/42/EC of the European Parliament and of the Council on machinery[3], and should not be included in the scope of this Regulation.

(8) The environmental aspects of household washing machines and household washer-dryers, which have been identified as significant for the purposes of this Regulation are the consumption of energy and water during the use phase, the generation of waste at the end of life, the emissions to air and water in the production phase (due to the extraction and processing of raw materials) and in the use phase (because of the consumption of electricity and water discharge).

(9) The annual energy and water consumption of products subject to this Regulation in the Union was estimated at 35,3 TWh and 2 496 million m^3 respectively in the Union in 2015. The projected electricity consumption of household washing machines and household washer-dryers in a business as usual scenario is estimated to decrease to 33,5 TWh in 2030 and the water consumption to decrease to 1764 million m^3 in 2030. That decrease in energy and water consumption may be accelerated if the existing ecodesign requirements are updated. Finally, the service life-time of household washing machines and household washer-dryers has been estimated to have decreased in recent years to around 12,5 years and the trend is likely to continue in the absence of incentives.

(10) The Commission Communications on the circular economy[4] and the Communication on the ecodesign working plan[5] underline the importance of using the ecodesign framework in order to support the move towards more resource efficient and circular economy. Recital 11 and Article 4 of Directive 2012/19/EU[6] of the European Parliament and of the Council indicate that ecodesign requirements established under Directive 2009/125/EC should facilitate the re-use, dismantling and recovery of WEEE by tackling the issues upstream. This Regulation should contribute to the objectives of those Communications by laying down appropriate requirements contributing to circular economy objectives.

(11) Specific requirements for the low power modes of household washing machines and household washer-dryers should be laid down. The requirements of Commission Regulation (EC) No 1275/2008[7] should not apply to products covered by the scope of this Regulation. Regulation (EC) No 1275/2008 should be amended accordingly.

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3 Directive 2006/42/EC of the European Parliament and of the Council of 17 May 2006 on machinery, and amending Directive 95/16/EC (OJ L 157, 9.6.2006, p. 24–86).

4 COM/2015/0614 final of 02.12/2015

5 COM(2016) 773 final of 30.11.2016

6 OJ L 197, 24.7.2012, p. 38

7 OJ L 339, 18.12.2008, p 45

(12) The relevant product parameters should be measured using reliable, accurate and reproducible methods. Those methods should take into account the recognised state-of-the-art measurement methods including, where available, harmonised standards adopted by the European standardisation organisations, as listed in Annex I to Regulation (EU) No 1025/2012[8] of the European Parliament and of the Council.

(13) In accordance with Article 8 of Directive 2009/125/EC, this Regulation should specify the applicable conformity assessment procedures.

(14) 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 where that information relates to the requirements laid down in this Regulation. Where parameters of the technical documentation, as defined by this Regulation, are identical to parameters of the product information sheet defined by Commission Delegated Regulation (EU) *[OP – please insert here the number of the accompanying energy labelling regulation on household washing machines and household washer-dryers]*, manufacturers should enter the corresponding data into the product database defined by Regulation (EU) 2017/1369 of the European and of the Council[9] and should no longer need to provide them to market surveillance authorities as part of the technical documentation.

(15) In order to ensure the effectiveness and credibility of the Regulation and to protect consumers, products that automatically alter their performance in test conditions to improve the declared parameters should not be allowed to be placed on the market.

(16) In addition to the requirements laid down in this Regulation, indicative benchmarks for best available technologies should be identified to make information on the life-cycle environmental performance of products subject to this Regulation widely available and easily accessible, in accordance with point 2 of Part 3 of Annex I to Directive 2009/125/EC.

(17) This Regulation should be reviewed in order to assess the appropriateness and effectiveness of its provisions in achieving its goals. The timing of the review should be sufficient for all provisions to be implemented and show an effect on the market.

(18) Regulation (EU) No 1015/2010 should be repealed.

(19) In order to facilitate the transition between Regulation (EU) No 1015/2010 and this Regulation, the new name ‘eco 40-60’ should be allowed to be used on the programme selection and displays as from the entry into force of this Regulation. The old names ‘Standard 60 °C cotton’ and ‘Standard 40 °C cotton’ should be allowed to be used for a six months period from the date of application of point 1 of Annex II.

(20) The measures provided for in this Regulation are in accordance with the opinion of the Committee established by Article 19 of Directive 2009/125/EC,

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8 OJ L 316, 14.11.2012, p. 12

9 Regulation (EU) 2017/1369 of the European Parliament and of the Council of 4 July 2017 setting a framework for energy labelling and repealing Directive 2010/30/EU (OJ L 198, 28.7.2017, p. 1–23).

HAS ADOPTED THIS REGULATION:

Article 1
Subject matter and scope

1. This Regulation establishes ecodesign requirements for placing on the market and putting into service of electric mains-operated household washing machines and household washer-dryers, including built-in 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.

2. This Regulation shall not apply to

   (a) washing machines and washer-dryers belonging to the scope of Directive 2006/42/EC[10];

   (b) battery-operated household washing machines and household washer-dryers that can be connected to the mains through an AC/DC converter purchased separately;

   (c) custom-made household washing machines and household washer-dryers made on a one-off basis and not equivalent to other models.

Article 2
Definitions

For the purpose of this Regulation the following definitions shall apply:

(1) 'automatic washing machine' means a washing machine where the load is fully treated by the washing machine without the need for user intervention at any point during the programme;

(2) 'household washing machine' 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 as complying with the Directive 2014/35/EU of the European Parliament and of the Council[11] or with Directive 2014/53/EU of the European Parliament and of the Council[12];

(3) 'household washer-dryer' means a household washing machine which, in addition to the functions of an automatic washing machine, in the same drum includes a means for drying the textiles by heating and tumbling, and which is declared by the manufacturer in the Declaration of Conformity as complying with Directive 2014/35/EU or with Directive 2014/53/EU;

(4) 'built-in household washing machine' means a household washing machine that is intended to be installed inside an enclosing structure such as a kitchen cupboard;

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

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

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

(5) ‘built-in household washer-dryer’ means a household washer-dryer that is intended to be installed inside an enclosing structure such as a kitchen cupboard;

(6) ‘multi-drum household washing machine’ means a household washing machine equipped with more than one drum, whether in separate units or in the same casing.

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

Article 3

Ecodesign requirements

Household washing machines and household washer-dryers shall comply with the ecodesign requirements set out in Annex II, following the measurement and calculation methods set out in Annex III. Multi-drum household washing machines shall comply with the ecodesign requirements set out in Annex VI.

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 set out in Annex V to that Directive.

2. For the purposes of the conformity assessment pursuant to Article 8 of Directive 2009/125/EC, the technical documentation shall contain the information set out in point 10 of Annex II to this Regulation.

Article 5

Verification procedure for market surveillance purposes

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

Article 6

Circumvention

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

The consumption of energy and water of the product shall not increase after a software or firmware update when measured with the same test standard originally used for the declaration of conformity, except with explicit consent of the end-user prior to the update.

Article 7

Indicative benchmarks

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

Article 8

Review

The Commission shall review this Regulation in the light of technological progress and shall present the results of this review, including, if appropriate, a draft revision proposal, to the Consultation Forum referred to in Article 18 of Directive 2009/125/EC no later than five years after its entry into force.

The review shall in particular focus on the following:

(a) the improvement potential with regard to energy and environmental performance of household washing machines and household washer-dryers;

(b) the effectiveness of existing requirements on material efficiency;

(c) the feasibility of new requirements on the automatic dosage of detergents and other additives, on a minimum service lifetime for the appliance or some of its parts, and on the setting of filters to remove microplastics from the water outlet.

Article 9

Amendment to Regulation (EC) No 1275/2008

In point 1 of Annex I to Regulation (EC) No 1275/2008:

– the entry ‘Washing machines’ is deleted;

– the entry 'Other appliances for cooking and other processing of food, cleaning, and maintenance of clothes' is replaced by 'Other appliances for cooking and other processing of food, cleaning and maintenance of clothes other than household washing machines and household washer-dryers'.

Article 10

Repeal

Regulation (EU) No 1015/2010 is repealed with effect from [*OP – please insert the day of entry into force of this Regulation*].

However, Articles 3 and 5 of Regulation (EU) No 1015/2010 and Annexes I to III thereto are repealed with effect from 1 April 2021.

Article 11

Transitional measures

As from *[OP – please insert the day of entry into force of this Regulation]* until 31 March 2021, by way of derogation to the requirement in point 1 of Annex I to Regulation (EU) No 1015/2010, the indications of ‘Standard 60 °C cotton programme’ and ‘Standard 40 °C cotton programme’ shall not need to be displayed on the programme selection device of household washing machines or on the household washing machines display, if the following conditions are complied with:

– the ‘Standard 60 °C cotton programme’ and ‘Standard 40 °C cotton programme’ are clearly identifiable in the booklet of instructions and in the technical documentation with the meaning of Article 4(2) of Regulation (EU) 1015/2010; and

– the ‘eco 40-60’ programme is clearly displayed on the programme selection device of household washing machines or on the household washing machines display, in accordance with Annex II, point 1(2) of this Regulation.

Article 12

Entry into force and application

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

Points 1(1), 1(3), 2, 3(1), 3(2) and 4 to 10 of Annex II shall apply from 1 April 2021.

Point 1(2) of Annex II shall apply from 1 October 2021.

Points 3(3) and 3(4) of Annex II shall apply from 1 April 2024.

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

Done at Brussels,

For the Commission
Jean-Claude JUNCKER
The President