



Brussels, **XXX**
[...](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 Commission Delegated Regulation (EU) No 1061/2010
and Commission Directive 96/60/EC**

(Text with EEA relevance)

EXPLANATORY MEMORANDUM

1. CONTEXT OF THE DELEGATED ACT

Legal and political context of the proposal

The Ecodesign Framework Directive requires manufacturers of energy-related products to improve their products' environmental performance by meeting:

- minimum energy efficiency requirements; and
- other environmental criteria such as water consumption, emission levels or minimum durability of certain components.

These requirements need to be met before the products can place their products on the market.

The Energy Labelling Framework Regulation – Regulation (EU) 2017/1369 of the European Parliament and of the Council¹ – establishes a framework for providing accurate, relevant and comparable information on the specific energy consumption of energy-related products and other environmental information. This makes it easier for consumers to choose products that are more resource efficient. The Regulation 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 these two pieces of legislation.

The ecodesign and energy labelling framework are central to making Europe more energy efficient, contributing in particular to: (i) the 'Energy union framework strategy'; and (ii) the priority of a 'Deeper and fairer internal market with a strengthened industrial base'. Firstly, the 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. This supports competitiveness and innovation in the industrial and services sectors. Thirdly, it ensures that manufacturers and importers responsible for placing products on the EU market have to comply with a single set of EU-wide rules only.

These two instruments are key components of the Union policy for making products placed on the market or put into service in the European Economic Area (EEA) more energy efficient and environmentally friendly. They are instrumental in achieving the energy savings objectives for 2020 and 2030, and their implementation is reinforced by the current (2016-2019) ecodesign working plan. It is also expected to contribute significantly to the transition towards a more circular economy, as detailed in the circular economy action plan 2015². Furthermore, the implementation of Regulation (EU) 2017/1369 will contribute to the EU's target of reducing greenhouse gases by at least 20 % by 2020 and by at least 40 % by 2030.

Commission Regulation (EU) No 1061/2010³ sets energy labelling requirements for household washing machines and Commission Directive 96/60/EC sets energy labelling requirements for household combined washer-driers⁴.

¹ OJ L 198, 28.7.2017, p. 1–23.

² Closing the loop - An EU action plan for the Circular Economy". COM(2015) 614 final, Brussels, 2.12.2015

³ 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).

⁴ 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).

Article 7 of Regulation (EU) No 1061/2010 states that by December 2014 the Commission should review this Regulation in the light of the technological development and in particular assess the verification tolerances. Directive 96/60/EC on the energy labelling of household washer-driers came into force in 1996 and is still in force.

Household washing machines and household washer-dryers were included as priority products for review in the ecodesign working plan 2016-2019. Household washing machines and household washer-dryers are also 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 a rescaled label by 2 November 2018. The rescaling exercise should result in replacing the existing range of energy classes of A+++ to G by a range of A to G.

Under Article 11(8) of Regulation (EU) 2017/1369, no products are expected to fall into energy class A when the rescaled label is introduced. It is estimated that it will take at least 10 years for a majority of models to fall into that class.

General context

In 2014, a review study⁵ was launched to revise both Regulations on ecodesign and energy labelling of household washing machines and the Directive on labelling of household combined washer-driers. The study, which resulted in a final report published in September 2017, included a stakeholder survey, two stakeholder meetings in 2015 and a web seminar in 2016. It involved approximately 140 stakeholders.

It is estimated that on average 92 % of European households are equipped with a household washing machine and approximately 4 % with a household washer-dryer.

Without further energy efficiency measures, the total electricity consumption of household washing machines and household washer-dryers in the EU is expected to reach 28,7 TWh/year and 2,6 TWh/year, respectively, by 2030. Together this is equivalent to 11 MtCO₂eq/year. Additionally, the water consumption related to the use of these products is expected to reach 2 200 million m³ of water in 2030.

There are cost-effective ways of further reducing the energy consumption and emissions related to the usage of household washing machines and household washer-dryers below the level they would reach in a business-as-usual scenario.

The main reasons why these potential savings have not been achieved are the market's failure to:

- (a) provide a better fit between (i) the washing programmes used for testing and optimised by manufacturers and (ii) the main washing programmes actually used by consumers;
- (b) provide a better matching between the usual wash loading by users and the rated capacity or loading adaptation of the household washing machines and household washer-dryers;
- (c) guide consumers to make informed purchase decisions based on the life cycle cost rather than the purchase cost (asymmetric information on costs); and
- (d) provide information and incentives for repairing the appliances and managing properly the products at the end of their use phase.

⁵ 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

As a result, potential cost-effective improvements that would benefit the end user are often not implemented.

In this context, the Regulation and the Directive are being revised to trigger a change in market conditions and in the optimisation of appliances on energy and resource efficiency. Another aim is to rescale the label in accordance with Regulation (EU) 2017/1369.

In contrast to a business-as-usual scenario, the proposed revision is expected to reduce the total energy consumption of these products each year across the EU by around 2,5 TWh/year, corresponding to reduced emissions of 0,8 MtCO₂ eq/year, and to reduce water consumption by up to 711 million m³ per year by 2030. The revision 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 reparability scoring, which is currently being studied⁶.

Existing regulation and standards in the EU and third countries

In addition to the Ecodesign Framework Directive and to the Energy Labelling Regulation, other legislations relevant for household washing machines and household washer-dryers are:

- Regulation (EC) No 1275/2008 on standby and off mode electric power consumption⁷;
- Directive 2014/35/EU on electrical equipment designed for use within certain voltage limits⁸;
- Directive 2014/53/EU on radio equipment⁹;
- Directive 2014/30/EU on electromagnetic compatibility¹⁰;
- Directive 2012/19/EU on waste electrical and electronic equipment¹¹;
- Directive 2011/65/EU on the restriction of the use of certain hazardous substances in electrical and electronic equipment¹².

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 household 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 duration 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

⁶ <http://susproc.jrc.ec.europa.eu/ScoringSystemOnReparability/index.html>

⁷ OJ L 339, 18.12.2008, p. 45–52.

⁸ OJ L 96, 29.3.2014, p. 357–374.

⁹ OJ L 153, 22.5.2014, p. 62–106.

¹⁰ OJ L 96, 29.3.2014, p. 79–106.

¹¹ OJ L 197, 24.7.2012, p. 38–71.

¹² OJ L 174, 1.7.2011, p. 88–110.

recently and a new method based on the LAS marker is currently available, making it possible to introduce related requirements.

Directive 96/60/EC regulates the energy labelling of household washer-dryers. The performance of household 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 household washing machines and household 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 of the Methodology for Ecodesign of Energy related Products ([MEErP](#))¹³.

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 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 Forum consists of a balanced representation of MS representatives, industry associations and

¹³ [Kemna, R.B.J., Methodology for the Ecodesign of Energy-related Products \(MEErP\) – Part 2, VHK for the European Commission, 2011 \(MEErP\)](#)

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 position 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 proposed 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 replaced by declarations. Environmental NGOs and other Member States supported the proposals and/or suggested more ambitious ones.

On the energy label for household washer-dryers: stakeholders were generally against the proposal of two labels for household 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 consultation¹⁴ took place from 12 February to 7 May 2018 to collect stakeholders' views on issues such as the expected effect of potential legislative measures on business and on energy consumption trends.

The online public consultation contained a common part on ecodesign and energy labelling, followed by product specific questions on refrigerators, dishwashers, washing machines and washer-dryers, televisions, electronic displays and lighting.

A total of 1 230 responses were received of which 67 % were from consumers and 19 % from businesses (of which three quarters were SMEs and a quarter were large companies). NGOs made up 6 % of respondents and 7 % were 'other' categories. National or local governments accounted for less than 1 % of respondents, and 0,25 % came from national market surveillance authorities.

Participants were predominantly from the UK (41 %) and Germany (26 %), with a second group from Austria, Belgium, France, the Netherlands and Spain representing 17 % of replies. A group of another nine Member States comprised a further 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.

Of the 1 230 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 better reflect the actual answers, the number of 'no answers' was deducted and the remaining answers treated as 100%.

2.4.1 Overall results

Some 63 % of participants were in favour of including ecodesign requirements on reparability and durability, and 65 % of respondents considered that this information should feature on the energy labels.

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

2.4.2 Small and Medium Enterprises (SME)¹⁵ Consultation

¹⁴ https://ec.europa.eu/info/consultations/public-consultation-ecodesign-and-energy-labelling-refrigerators-dishwashers-washing-machines-televisions-computers-and-lamps_en

One of the aims of the open public consultation was to gather specific information on role and importance of SMEs on the market and to acquire more knowledge on how SMEs viewed the environmental impacts of these six product groups.

Approximately 10,5 % of replies were from SMEs. SMEs reported that they were aware of the ecodesign and 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: (i) the potential impact on their businesses per se; (ii) potential impacts on SMEs compared to larger enterprises; and (iii) 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 household 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 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 household 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. CONSUMER SURVEY ON THE ENERGY LABEL

¹⁵ SMEs < 250 employees

In addition to the preparatory study and the open public consultation, a specific consumer study¹⁶ was undertaken to inform the Commission on the impact of possible different icons and layouts of the revised energy labels for household washing machines and household washer-dryers on consumer understanding and choices. The survey was administered in seven countries, which together cover 39,7 % of the EU population. In each country, approximately 1 350 respondents completed the survey, nationally representative of each country's population with quotas on age and gender. The survey finalised in July 2018.

A new label layout with several icons representing specific product features was tested.:

- Most of the proposed features are also represented on the current energy labels, namely the energy consumption, water consumption, rated capacity and noise level. However, in this new label the energy and water consumption are indicated per cycle, and are accompanied by an indication of the tested programme.
- Furthermore, the new proposal includes the addition of a new icon representing the duration of the (tested) programme.
- Finally, some icons that are displayed on the current energy labels are no longer part of the new tested label, namely the icons indicating the spinning efficiency.

This study aimed to test consumer responses to:

- consumer understanding of specific icons designed to represent the proposed product features;
- consumer understanding of the full label (e.g. how different elements relate to each other);
- the perceived relevance of the product features proposed to be represented on the proposed new label;
- the extent to which consumers miss information provided in current labels that is not included in the proposed new labels;
- the impact of the labels (relative to other product information) on consumer choice behaviour.

For all features (i.e. water consumption, load capacity, programme duration and noise level) the majority of respondents considered it important that the energy label displays this information.

For water consumption, load capacity, programme duration, and noise level, three icon alternatives were developed and tested. The icons were combined into the energy labels.

The icons and elements of layout retained for the energy label proposal correspond to the icons and features best understood by respondents or, in case of inconclusive results of the survey (for example on noise and programme duration), to the icons and features most consistent with the approach followed for other product groups and the general layout of the label.

2.6. IMPACT ASSESSMENT

¹⁶ Roxanne van Giesen, Millie Elsen, Thijn van der Linden, Bram Bruisten, Tim Meeusen, Femke Maes, "Study on consumer understanding of draft energy labels for household washing machines, household washer-dryers and household dishwashers", CentERdata., July 2018 commissioned by the EC under No. FWC ENER/C3/2015-631/04

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 Commission Regulation (EU) No 1015/2010¹⁷ and Commission Delegated Regulation (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"¹⁸ and the Inception Impact Assessment "Regulatory measure on the reviews of Energy Labelling for household washing machines and household washer dryers" 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.

The following options were considered in the impact assessment:

for household washing machines and the washing cycle of household washer-dryers:

- Policy Option WM1: business as usual, used as baseline for the assessment: no further action, the regulations currently in place remain unchanged;
- Policy Option WM2: Combination of Ecodesign requirements and Energy Labelling setting a minimum temperature of 35 degrees;
- Policy Option WM3: Combination of Ecodesign requirements and Energy Labelling setting a maximum duration of the test programme for half or quarter loads to 3 hours while providing information on the full load on the energy label;
- Policy Option WM4: Combination of Ecodesign requirements and Energy Labelling setting a maximum duration of the test programme proportional to the machine capacity;

¹⁷ 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).

¹⁸ Initiative ARES (2015) 476416 and initiative ARES (2018) 476380

- Policy Option WM5: Combination of Ecodesign requirements on material efficiency related to the end-of-life and reparability aspects including availability of spare parts.

for the combined washing and drying cycle of washer dryers:

- Policy Option WD1: business as usual, used as baseline for the assessment: no further action, the directive currently in place remain unchanged;
- Policy Option WD2: Combination of new low ambition Ecodesign requirements and updated Energy Labelling;
- Policy Option WD3: Combination of new moderately ambitious Ecodesign requirements and updated Energy Labelling;
- Policy Option WD4: Combination of Ecodesign requirements on material efficiency identical to Policy Option WM5.

In all except the business as usual scenarios, the A-G energy label is based on the new test and rescaled.

The preferred option for household washing machines and the wash cycle of household washer-dryers is Policy Option WM 4 with the two tiers on energy efficiency, in combination with the material efficiency requirements of Policy Option WM5. For the combined “wash & dry” function of household washer-dryers the preferred option is Policy Option WD3 with the second tier, in combination with Policy Option WD4. Both options provide the highest overall savings on energy and resources, while ensuring a substantial but realistic contribution to circular economy objectives.

By 2030, the preferred options for household washing machines and washer dryers together are expected to lead to:

- electricity savings of 2,48 TWh/year and water savings of 711 million m³/year;
- greenhouse gas emission abatement of 0,84 MtCO₂ eq/year;
- 7,15 billion euros in annual savings for consumers;
- extra business revenue of 1,1 billion euros per year, leading to 3 110 additional jobs in the EU manufacturing sector and 27 940 in the retail sector;
- maintaining EU industry's competitiveness and leading role as high-quality manufacturers;
- promoting innovation for more efficient household washing machines and washer dryers;
- higher revenues and profits for independent companies (such as SMEs) working in the field of reparation and refurbishment of products.

The impact assessment report was submitted to the Commission's regulatory scrutiny board and discussed by the board on 13 June 2018. The Board issued a positive opinion with reservations. The main considerations given by the board, and incorporated in the final version of the Impact Assessment, are the following:

- The report is not sufficiently transparent on the relatively minor importance of the initiative in terms of its contribution to the EU 2030 energy and climate targets.
- The report does not integrate circular economy aspects comprehensively and in a way which is consistent across ecodesign products. It does not impact assess them either.

- In this context, the choice of the preferred option is not sufficiently justified. It is unclear how the report strikes a balance between energy efficiency, circular economy and consumer preferences.
- The report is not sufficiently transparent about the elements that have already been agreed upon and the choices that are left open for political decision.

The impact assessment report was amended to take account of the board's comments. In particular, new sections were added on the 'need to act' and on the 'issues not subject to assessment' and the presentation of the circular economy aspects, of the methodological assumptions and of the preferred option was substantially reinforced.

3. LEGAL ELEMENTS OF THE DELEGATED ACT

3.1. SUMMARY OF THE PROPOSED ACTION FOR ENERGY LABEL REGULATION

The draft energy label regulation for dishwashers builds on the preferred option identified in the impact assessment report. The objectives to achieve high energy and water savings, to facilitate repair and recycling and make the standard programme more attractive for consumers are balanced with the objectives of maintaining the affordability of products and the competitiveness of industry.

Information on the label for both appliances

- (1) Re-scaled label introducing A to G classes in accordance with Regulation (EU) 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 household washer-dryers 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 household 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:

- the improvement potential with regard to energy during the use phase and environmental performance of household washing machines and household washer-dryers;
- the effectiveness of existing measures in realising changes of end-user behaviour in purchasing more energy and resource efficient appliances and using more energy and resource efficient programmes;
- the possibility to introduce measures related to circular economy such as material efficiency, reparability, durability, upgradability and recyclability.

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 Commission Delegated Regulation (EU) No 1061/2010
and Commission Directive 96/60/EC**

(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 labelling and repealing Directive 2010/30/EU¹⁹, and in particular Article 11(5) and Article 16 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 machines and household washer-dryers are 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 MtCO₂ eq/year, and estimated water savings of 711 million m³ in 2030.
- (3) Provisions on the energy labelling of household washing machines were established by Commission Delegated Regulation (EU) No 1061/2010²⁰.
- (4) Provisions on the energy labelling of household washer-dryers were established by Commission Directive 96/60/EC²¹.

¹⁹ OJ L 198, 28.7.2017, p. 1.

²⁰ 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).

²¹ 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).

- (5) The Commission has reviewed Regulation (EU) No 1061/2010 pursuant to Article 7 of that Regulation 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 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.
- (6) 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. The scope of this Regulation should thus comprise household washing machines and household washer-dryers.
- (7) 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).
- (8) It appears from the review 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 by responding better to the expectations of consumers when using washing or complete washing and drying programmes, as regards their duration in particular.
- (9) The energy labelling of household dishwashers enable consumers to make informed choices towards more energy and resource efficient appliances. The understanding and relevance of the information provided on the label have been confirmed through a specific consumer survey in line with Article 14(2) of Regulation (EU) 2017/1369.
- (10) Taking into account 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 hosting service providers of web-stores and internet sales platforms should be responsible for displaying the label provided by the supplier in proximity to the price.
- (11) The measures provided for in this Regulation were discussed by the Consultation Forum in accordance with Articles 14 of Regulation (EU) 2017/1369.
- (12) Regulation (EU) No 1061/2010 and Directive 96/60/EC should be repealed,

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 built-in household washer-dryers.
2. This Regulation shall not apply to

- (a) washing machines and washer-dryers in the scope of Directive 2006/42/EC of the European Parliament and of the Council²²;
- (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 Directive 2014/35/EU of the European Parliament and of the Council²³ or with Directive 2014/53/EU of the European Parliament and of the Council²⁴;
- (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;
- (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;
- (7) ‘point of sale’ means a location where household washing machines or household washer-dryers, or both, are displayed or offered for sale, hire or hire-purchase.

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

²² Directive 2006/42/EC of the European Parliament and of the Council of 17 May 2006 on machinery (OJ L 157, 9.6.2006).

²³ 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).

²⁴ 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).

Article 3
Obligations of suppliers

1. Suppliers of household washing machines and household washer-dryers 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 and, for a multi-drum household washing machine, in Annex X;
 - (b) the parameters of the product information sheet, as set out in Annex V, are entered into the product database established by Regulation (EU) 2017/1369;
 - (c) if requested by the dealer of household washing machines and household washer-dryers, 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

Dealers of household washing machines and household washer-dryers shall ensure that:

- (a) each household washing machine or household washer-dryer, at the point of sale, bears the label provided by suppliers of household washing machines and household washer-dryers in accordance with point (a) of Article 3(1) 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 service providers on internet hosting platforms

Where a hosting service provider as referred to in Article 14 of Directive 2000/31/EC of the European Parliament and of the Council²⁵ allows the selling of household washing machines or household washer-dryers through its Internet website, the service provider shall enable the showing of the electronic label and electronic product information sheet provided by the dealer on the display mechanism in accordance with the 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 set out in Annex III.

Article 7

Verification procedure for market surveillance purposes

Member States shall apply the procedure laid down in Annex IX to this Regulation when performing the market surveillance checks referred to in Article 8(3) of Regulation (EU) 2017/1369.

Article 8

Review

The Commission shall review this Regulation in the light of technological progress and present the results of this review including, if appropriate, a draft revision proposal, to the Consultation Forum referred to in Article 14 of Regulation (EU) 2017/1369 no later than *[OP – please insert the date - five years after day of entry into force of this Regulation]*.

The review shall in particular assess the following:

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

²⁵ Directive 2000/31/EC of the European Parliament and of the Council of 8 June 2000 on certain legal aspects of information society services, in particular electronic commerce, in the Internal Market (OJ L 178, 17.7.2000, p. 1).

- (b) the effectiveness of existing measures in realising changes of end-user behaviour in purchasing more energy and resource efficient appliances and using more energy and resource efficient programmes;
- (c) the possibility to introduce measures related to circular economy such as material efficiency, reparability, durability, upgradability and recyclability.

Article 9

Repeal

Regulation (EU) No 1061/2010 is repealed with effect from *[OP – please insert the day of entry into force of this Regulation]*.

However, Articles 3, 4, 5 and 6 of Regulation (EU) No 1061/2010 and Annexes I to VII thereto are repealed with effect from 1 April 2021.

Directive 96/60/EC is repealed as with effect from *[OP – please insert the day of entry into force of this Regulation]*.

However, Articles 1, 2 and 3 of Directive 96/60/EC and Annexes I to V thereto are repealed with effect from 1 April 2021.

Article 10

Transitional measures

As from *[OP – please insert the day of entry into force of this Regulation]* until 31 March 2021, the product fiche required under Article 3(b) of Regulation (EU) No 1061/2010 may be made available on the product database established by Article 12 of Regulation (EU) 2017/1369 instead of being provided in printed form.

As from *[OP – please insert the day of entry into force of this Regulation]* until 31 March 2021, the fiche required under Article 2(3) of Directive 96/60/EC may be made available on the product database established by Article 12 of Regulation (EU) 2017/1369 instead of being provided in printed form.

Article 11

Entry into force and application

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

It shall apply from 1 April 2021. However, points (a) and (b) of Article 3(1) shall apply from 1 December 2020.

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

Done at Brussels,

For the Commission
Jean-Claude JUNCKER
The President