Commission Delegated Regulation (EU) 2019/2017 of 11 March 2019 supplementing Regulation (EU) 2017/1369 of the European Parliament and of the Council with regard to energy labelling of household dishwashers and repealing Commission Delegated Regulation (EU) No 1059/2010 (Text with EEA relevance)

COMMISSION DELEGATED REGULATION (EU) 2019/2017

of 11 March 2019

supplementing Regulation (EU) 2017/1369 of the European Parliament and of the Council with regard to energy labelling of household dishwashers and repealing Commission Delegated Regulation (EU) No 1059/2010

(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/EU[(1)], and in particular Article 11(5) and Article 16 thereof,

Whereas:

(1) Regulation (EU) 2017/1369 of the European Parliament and of the Council 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 dishwashers were established by Commission Delegated Regulation (EU) No 1059/2010[(2)].

(3) The Communication from the Commission COM(2016) 773 final[(3)] (ecodesign working plan) established by the Commission in application of Article 16(1) of Directive 2009/125/EC of the European Parliament and of the Council[(4)] sets out the working priorities under the ecodesign and energy labelling framework for the period 2016-2019. The ecodesign 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 Commission Regulation (EU) No 1016/2010[(5)] and Delegated Regulation (EU) No 1059/2010.

(4) Measures from the ecodesign working plan have an estimated potential to deliver in total more than 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 dishwashers is one of the product groups listed in the working plan, with estimated annual electricity savings of 2,1 TWh, leading to GHG emission reductions of 0,7 Mt CO_2 eq/year, and estimated water savings of 16 million m^3 in 2030.

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(5) Household dishwashers 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.

(6) The Commission has reviewed Delegated Regulation (EU) No 1059/2010 as required by its Article 7 and analysed technical, environmental and economic aspects as well as the impact of user behaviour. The review was carried out in close cooperation with stakeholders and interested parties from the Union and third countries. The results of the review were made public and presented to the Consultation Forum established by Article 14 of Regulation (EU) 2017/1369.

(7) The review concluded that there was a need to introduce revised energy labelling requirements for household dishwashers.

(8) Non-household dishwashers 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[6], and should not be included in the scope of this Regulation. This Regulation for household dishwashers should apply to dishwashers with the same technical characteristics, regardless of the setting they are used in.

(9) The environmental aspects of household dishwashers that have been 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.

(10) It appears from the review that the electricity and water consumption of household dishwashers can be further reduced by implementing energy labelling measures focusing on better differentiating between products. This should give suppliers an incentive to further improve the energy and resource efficiency of household dishwashers while accelerating the market transformation towards more efficient technologies.

(11) 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.

(12) Household dishwashers that are displayed at trade fairs should bear the energy label if the first unit of the model has already been placed on the market or is placed on the market on the trade fair.

(13) The relevant product parameters should be measured using reliable, accurate and reproducible methods. Those methods should take into account recognised state-of-the-art measurement methods including, where available, harmonised standards adopted by the European standardisation bodies, as listed in Annex I to Regulation (EU) No 1025/2012 of the European Parliament and of the Council[7].

(14) Recognizing the growth of sales of energy-related product through web-stores and internet sales platforms, rather than directly from suppliers, it should be clarified that

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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. They should inform the supplier of that obligation, but should not be responsible for the accuracy or content of the label and the product information sheet provided. However, in application of Article 14(1)(b) of Directive 2000/31/EC of the European Parliament and of the Council[8] on electronic commerce, such internet hosting platforms should act expeditiously to remove or to disable access to information about the product in question if they are aware of the non-compliance (e.g. missing, incomplete or incorrect label or product information sheet) for example if informed by the market surveillance authority. A supplier selling directly to end-users via its own website is covered by dealers' distance selling obligations referred to in Article 5 of Regulation (EU) 2017/1369.

(15) The measures provided for in this Regulation were discussed by the Consultation Forum and with the Member States experts in accordance with Article 17 of Regulation (EU) 2017/1369.

(16) Delegated Regulation (EU) No 1059/2010 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 dishwashers, including built-in household dishwashers and electric mains-operated household dishwashers that can also be powered by batteries.

2 This Regulation shall not apply to:

a dishwashers in the scope of Directive 2006/42/EC;

b battery-operated household dishwashers that can be connected to the mains through an AC/DC converter purchased separately.

Article 2

Definitions

For the purposes of this Regulation, the following definitions shall apply:

(1) ‘mains’ or ‘electric mains’ means the electricity supply from the grid of 230 (± 10 %) volts of alternating current at 50 Hz;

(2) ‘household dishwasher’ means a machine which cleans and rinses tableware, and which is declared by the manufacturer in the Declaration of Conformity to comply with Directive 2014/35/EU of the European Parliament and of the Council[9] or with Directive 2014/53/EU of the European Parliament and of the Council[10];

(3) ‘built-in household dishwasher’ means a household dishwasher that is designed, tested and marketed exclusively:

(a) to be installed in cabinetry or encased (top, bottom and sides) by panels;

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(b) to be securely fastened to the sides, top or floor of the cabinetry or panels; and

(c) to be equipped with an integral factory-finished face or to be fitted with a custom front panel.

(4) 'point of sale' means a location where household dishwashers are displayed or offered for sale, hire or hire-purchase.

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

Article 3

Obligations of suppliers

1 Suppliers shall ensure that:

a each household dishwasher is supplied with a printed label in the format as set out in Annex III;

b the parameters of the product information sheet, as set out in Annex V, are entered into the product database;

c if specifically requested by the dealer, the product information sheet shall be made available in printed form;

d the content of the technical documentation, set out in Annex VI, is entered into the product database;

e any visual advertisement for a specific model of household dishwasher contains the energy efficiency class and the range of energy efficiency classes available on the label in accordance with Annex VII and Annex VIII;

f any technical promotional material concerning a specific model of household dishwasher, including on the internet, which describes its specific technical parameters, includes the energy efficiency class of that model and the range of energy 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 III, is made available to dealers for each household dishwasher model;

h an electronic product information sheet, as set out in Annex V, is made available to dealers for each household dishwasher model.

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 IV.

Article 4

Obligations of dealers

Dealers shall ensure that:

(a) each household dishwasher, at the point of sale, including at trade fairs, bears the label provided by suppliers in accordance with point 1(a) of Article 3, with the label being displayed for built-in household dishwashers in such a way as to be clearly visible, and for all other household dishwashers in such a way as to be clearly visible on the outside of the front or top of the household dishwasher;

(b) in the event of distance selling, the label and product information sheet are provided in accordance with Annexes VII and VIII;

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(c) any visual advertisement for a specific model of household dishwasher contains the energy efficiency class of that model and the range of energy efficiency classes available on the label, in accordance with Annex VII;

(d) any technical promotional material concerning a specific model of household dishwasher, including on the internet, which describes its specific technical parameters, includes the energy efficiency class of that model and the range of energy efficiency classes available on the label, in accordance with Annex VII.

Article 5

Obligations of internet hosting platforms

Where a hosting service provider referred to in Article 14 of Directive 2000/31/EC allows the direct selling of household dishwashers 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 provisions of Annex VIII and shall inform the dealer of the obligation to display them.

Article 6

Measurement methods

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 IV.

Article 7

Verification procedure for market surveillance purposes

Member States shall apply the verification procedure laid down in Annex IX to this Regulation when performing the market surveillance checks referred to in paragraph 3 of Article 8 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 no later than 25 December 2025.

The review shall in particular assess the following:

(a) the improvement potential with regard to the energy consumption, functional and environmental performance of household dishwashers;