Commission Delegated Regulation (EU) 2017/254 of 30 November 2016 amending Delegated Regulations (EU) No 1059/2010, (EU) No 1060/2010, (EU) No 1061/2010, (EU) No 1062/2010, (EU) No 626/2011, (EU) No 392/2012, (EU) No 874/2012, (EU) No 665/2013, (EU) No 811/2013, (EU) No 812/2013, (EU) No 65/2014, (EU) No 1254/2014, (EU) 2015/1094, (EU) 2015/1186 and (EU) 2015/1187 with regard to the use of tolerances in verification procedures (Text with EEA relevance)

COMMISSION DELEGATED REGULATION (EU) 2017/254

of 30 November 2016

amending Delegated Regulations (EU) No 1059/2010, (EU) No 1060/2010, (EU) No 1061/2010, (EU) No 1062/2010, (EU) No 626/2011, (EU) No 392/2012, (EU) No 874/2012, (EU) No 665/2013, (EU) No 811/2013, (EU) No 812/2013, (EU) No 65/2014, (EU) No 1254/2014, (EU) 2015/1094, (EU) 2015/1186 and (EU) 2015/1187 with regard to the use of tolerances in verification procedures

(Text with EEA relevance)

THE EUROPEAN COMMISSION,

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

Having regard to Directive 2010/30/EU of the European Parliament and of the Council of 19 May 2010 on the indication by labelling and standard product information of the consumption of energy and other resources by energy-related products[(1)], and in particular Article 10(1) thereof,

Whereas:

(1) Experience gained in implementing Commission Delegated Regulations adopted on the basis of Directive 2010/30/EU has revealed that the verification tolerances laid down in the delegated acts, and intended for use only by market surveillance authorities, have been used by some suppliers to establish the values required to be provided in the technical documentation or to interpret those values with a view to achieving a better energy labelling classification or to suggest, in other ways, better performance of their products.

(2) The verification tolerances are designed to allow for variations that emerge in the measurements taken during verification tests, which are due to the differences in the measurement equipment used by suppliers and surveillance authorities across the Union. Verification tolerances should not be used by the supplier for establishing the values in the technical documentation or for interpreting those values in order to achieve a better energy labelling classification or to suggest better performance than has actually been measured and calculated. The parameters declared or published by the supplier should not be more favourable for the supplier than the values contained in the technical documentation.

(3) To ensure fair competition, to realise the energy savings that the Regulations were designed to achieve, and to provide consumers with accurate information about the

Changes to legislation: *There are currently no known outstanding effects for the Commission Delegated Regulation (EU) 2017/254. (See end of Document for details)*

energy efficiency and functional performance of products, it should be clarified that the verification tolerances set out in the delegated acts may only be used by Member State authorities, for the purpose of verifying compliance.

(4) Commission Delegated Regulations (EU) No 1059/2010[(2)], (EU) No 1060/2010[(3)], (EU) No 1061/2010[(4)], (EU) No 1062/2010[(5)], (EU) No 626/2011[(6)], (EU) No 392/2012[(7)], (EU) No 874/2012[(8)], (EU) No 665/2013[(9)], (EU) No 811/2013[(10)], (EU) No 812/2013[(11)], (EU) No 65/2014[(12)], (EU) No 1254/2014[(13)], (EU) 2015/1094[(14)], (EU) 2015/1186[(15)] and (EU) 2015/1187[(16)] should therefore be amended accordingly,

HAS ADOPTED THIS REGULATION:

Article 1

Amendments to Delegated Regulation (EU) No 1059/2010

Annex V to Delegated Regulation (EU) No 1059/2010 is amended in accordance with Annex I to this Delegated Regulation.

Article 2

Amendments to Delegated Regulation (EU) No 1060/2010

Annex VII to Delegated Regulation (EU) No 1060/2010 is amended in accordance with Annex II to this Delegated Regulation.

Article 3

Amendments to Delegated Regulation (EU) No 1061/2010

Annex V to Delegated Regulation (EU) No 1061/2010 is amended in accordance with Annex III to this Delegated Regulation.

Article 4

Amendments to Delegated Regulation (EU) No 1062/2010

Annexes VII and VIII to Delegated Regulation (EU) No 1062/2010 are amended in accordance with Annex IV to this Delegated Regulation.

Article 5

Amendments to Delegated Regulation (EU) No 626/2011

Annex VIII to Delegated Regulation (EU) No 626/2011 is amended in accordance with Annex V to this Delegated Regulation.

***Changes to legislation:** There are currently no known outstanding effects for the Commission Delegated Regulation (EU) 2017/254. (See end of Document for details)*

Article 6

Amendments to Delegated Regulation (EU) No 392/2012

Annex V to Delegated Regulation (EU) No 392/2012 is amended in accordance with Annex VI to this Delegated Regulation.

Article 7

Amendments to Delegated Regulation (EU) No 874/2012

Annex V to Delegated Regulation (EU) No 874/2012 is amended in accordance with Annex VII to this Delegated Regulation.

Article 8

Amendments to Delegated Regulation (EU) No 665/2013

Annex VII to Delegated Regulation (EU) No 665/2013 is amended in accordance with Annex VIII to this Delegated Regulation.

Article 9

Amendments to Delegated Regulation (EU) No 811/2013

Annex VIII to Delegated Regulation (EU) No 811/2013 is amended in accordance with Annex IX to this Delegated Regulation.

Article 10

Amendments to Delegated Regulation (EU) No 812/2013

Annex IX to Delegated Regulation (EU) No 812/2013 is amended in accordance with Annex X to this Delegated Regulation.

Article 11

Amendments to Delegated Regulation (EU) No 65/2014

Annex VIII to Delegated Regulation (EU) No 65/2014 is amended in accordance with Annex XI to this Delegated Regulation.

Article 12

Amendments to Delegated Regulation (EU) No 1254/2014

Annex IX to Delegated Regulation (EU) No 1254/2014 is amended in accordance with Annex XII to this Delegated Regulation.

Changes to legislation: *There are currently no known outstanding effects for the Commission Delegated Regulation (EU) 2017/254. (See end of Document for details)*

Article 13

Amendments to Delegated Regulation (EU) 2015/1094

Annex X to Delegated Regulation (EU) 2015/1094 is amended in accordance with Annex XIII to this Delegated Regulation.

Article 14

Amendments to Delegated Regulation (EU) 2015/1186

Annex IX to Delegated Regulation (EU) 2015/1186 is amended in accordance with Annex XIV to this Delegated Regulation.

Article 15

Amendments to Delegated Regulation (EU) 2015/1187

Annex X to Delegated Regulation (EU) 2015/1187 is amended in accordance with Annex XV to this Delegated Regulation.

Article 16

Entry into force

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

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

Done at Brussels, 30 November 2016.

For the Commission

The President

Jean-Claude JUNCKER

***Changes to legislation:** There are currently no known outstanding effects for the Commission Delegated Regulation (EU) 2017/254. (See end of Document for details)*

ANNEX I

Amendments to Annex V to Delegated Regulation (EU) No 1059/2010

Annex V is replaced by the following:

ANNEX V

Product compliance verification by market surveillance authorities

The verification tolerances set out in this Annex relate only to the verification of the measured parameters by Member State authorities and shall not be used by the supplier as an allowed tolerance to establish the values in the technical documentation. The values and classes on the label or in the product fiche shall not be more favourable for the supplier than the values reported in the technical documentation.

When verifying the compliance of a product model with the requirements laid down in this Delegated Regulation, for the requirements referred to in this Annex, the authorities of the Member States shall apply the following procedure:

(1) The Member State authorities shall verify one single unit of the model.

(2) The model shall be considered to comply with the applicable requirements if:

(a) the values given in the technical documentation pursuant to Article 5(b) of Directive 2010/30/EU (declared values), and, where applicable, the values used to calculate these values, are not more favourable for the supplier than the corresponding values given in the test reports pursuant to point (iii) of the abovementioned Article; and

(b) the values published on the label and in the product fiche are not more favourable for the supplier than the declared values, and the indicated energy efficiency class is not more favourable for the supplier than the class determined by the declared values; and

(c) when the Member State authorities test the unit of the model, the determined values (the values of the relevant parameters as measured in testing and the values calculated from these measurements) comply with the respective verification tolerances as given in Table 1.

(3) If the results referred to in points 2(a) or (b) are not achieved, the model and all models that have been listed as equivalent household dishwasher models in the supplier's technical documentation shall be considered not to comply with this Delegated Regulation.

(4) If the result referred to in point 2(c) is not achieved, the Member State authorities shall select three additional units of the same model for testing. As an alternative, the three additional units selected may be of one or more different models that have been listed as equivalent models in the supplier's technical documentation.

(5) The model shall be considered to comply with the applicable requirements if, for these three units, the arithmetical mean of the determined values complies with the respective tolerances given in Table 1.