

REGULATION (EU) 2017/1369 of 4 July 2017 setting a framework for energy labelling and repealing Directive 2010/30/EU

Incorporated and adapted by Ministerial Council Decision 2018/03/MC-EnC of 29 November 2018 adapting and implementing Regulation (EU) 2017/1369 of the European Parliament and of the Council setting a framework for energy labelling, and certain Delegated Regulations on energy-related products

*The adaptations made by Ministerial Council Decision 2018/03/MC-EnC are highlighted in **bold and blue**.*

Whereas:

(1) The Union is committed to building an Energy Union with a forward looking climate policy. Energy efficiency is a crucial element of the Union's 2030 Climate and Energy Policy Framework and is key to moderating energy demand.

(2) Energy labelling enables customers to make informed choices based on the energy consumption of energy-related products. Information on efficient and sustainable energy-related products makes a significant contribution to energy savings and to reducing energy bills, while at the same time promoting innovation and investments into the production of more energy efficient products. Improving the efficiency of energy-related products through informed customer choice and harmonising related requirements at Union level benefits also manufacturers, industry and the Union economy overall.

(3) The Commission reviewed the effectiveness of Directive 2010/30/EU of the European Parliament and of the Council and identified the need to update the energy labelling framework to improve its effectiveness.

(4) It is appropriate to replace Directive 2010/30/EU by a Regulation which maintains essentially the same scope, but modifies and enhances some of its provisions in order to clarify and update their content, taking into account the technological progress for energy efficiency in products achieved over recent years. As the energy consumption of means of transport for persons or goods is directly and indirectly regulated by other Union law and policies, it is appropriate to continue to exempt them from the scope of this Regulation, including means of transport with a motor that stays in the same location during operation, such as elevators, escalators and conveyor belts.

(5) It is appropriate to clarify that all products placed on the Union market for the first time, including second-hand imported products, should fall under the scope of this Regulation. However, products that are made available on the Union market for a second or additional time should not be included.

(6) A Regulation is the appropriate legal instrument as it imposes clear and detailed rules which preclude divergent transposition by Member States and thus ensures a higher degree of harmonisation across the Union. A harmonised regulatory framework at Union rather than at Member State level reduces costs for manufacturers, ensures a level playing field and ensures the free movement of goods across the internal market.

(7) Moderating energy demand is recognised as a key action in the European Energy Security Strategy set out in the Commission Communication of 28 May 2014. The Energy Union Framework Strategy set out in the Commission Communication of 25 February 2015 further emphasised the energy efficiency first principle and the need to fully implement existing Union energy law. The Roadmap for the Energy Union Framework Strategy set out in that Communication provided for a review of the energy efficiency

framework for products in 2015. This Regulation improves the legislative and enforcement framework for energy labelling.

(8) Improving the efficiency of energy-related products through informed customer choice benefits the Union economy, reduces energy demand and saves customers money on energy bills, contributes to innovation and investment in energy efficiency, and enables industries which develop and produce the most energy efficient products to gain a competitive advantage. It also contributes to the achievement of the Union's 2020 and 2030 energy-efficiency targets, as well as to the Union's goals for the environment and climate change. Furthermore, it aims to have a positive impact on the environmental performance of the energy-related products and their parts, including use of resources other than energy.

(9) This Regulation contributes to the development, recognition by customers and market uptake of energy smart products, which can be activated to interact with other appliances and systems, including the energy grid itself, in order to improve energy efficiency or the uptake of renewable energies, reduce energy consumption and foster innovation in Union industry.

(10) The provision of accurate, relevant and comparable information on the specific energy consumption of energy-related products facilitates the customer's choice in favour of products which consume less energy and other essential resources during use. A standardised mandatory label for energy-related products is an effective means by which to provide potential customers with comparable information on the energy efficiency of energy-related products. The label should be supplemented by a product information sheet. The label should be easily recognisable, simple and concise. To that end, the existing dark green to red colour scale of the label should be retained as the basis for informing customers about the energy efficiency of products. In order for the label to be of real use for customers looking for energy and cost savings, the steps of the label scale should correspond to significant energy and cost savings for customers. For the majority of product groups, the label should, where appropriate, also indicate the absolute energy consumption in addition to the label scale, in order to allow customers to predict the direct impact of their choices on their energy bills. However, it is impossible to provide the same information with regard to energy-related products that do not themselves consume energy.

(11) The classification using letters from A to G has been shown to be cost effective for customers. It is intended that its uniform application across product groups raises transparency and understanding among customers. In situations where because of ecodesign measures pursuant to Directive 2009/125/EC of the European Parliament and of the Council products can no longer fall into class 'E', 'F' or 'G', those classes should nonetheless be shown on the label in grey. In exceptional and duly justified cases, such as reaching insufficient savings across the full spectrum of the seven classes, the label should be able to contain fewer classes than a regular A to G scale. In those cases the dark green to red colour scale of the label should be retained for the remaining classes and should apply only to new products that are placed on the market or put into service.

(12) Where a supplier places a product on the market, each unit of the product should be accompanied by a label in paper form complying with the requirements of the relevant delegated act. The relevant delegated act should set out the most effective way of displaying the labels, taking into account the implications for customers, suppliers and dealers, and could provide that the label is printed on the packaging of the product. The dealer should display the label supplied together with the unit of the product in the position required by the relevant delegated act. The label displayed should be clearly visible and identifiable as the label belonging to the product in question, without the customer having to read the brand name and model number on the label, and should attract the attention of the customer browsing

through the product displayed.

(13) Without affecting the obligation of the supplier to provide a printed label together with each unit of a product, advances in digital technology could allow for the use of electronic labels in addition to the printed energy label. The dealer should also be able to download the product information sheet from the product database.

(14) Where it is not feasible to display the energy label, such as in certain forms of distance selling, visual advertisements and technical promotional material, potential customers should be provided at least with the energy class of the product and the range of the efficiency classes available on the label.

(15) Manufacturers respond to the energy label by developing and placing on the market ever more efficient products. In parallel, they tend to discontinue the production of less efficient products, stimulated to do so by Union law relating to ecodesign. This technological development leads to the majority of product models populating the highest classes of the energy label. Further product differentiation may be necessary to enable customers to compare products properly, leading to the need to rescale labels. This Regulation should therefore lay down detailed arrangements for rescaling in order to maximise legal certainty for suppliers and dealers.

(16) For several labels established by delegated acts adopted pursuant to Directive 2010/30/EU, products are available only or mostly in the top classes. This reduces the effectiveness of the labels. The classes on existing labels, depending on the product group have varying scales, where the top class can be anything between classes A to A+++ . As a result, when customers compare labels across different product groups, they could be led to believe that better energy classes exist for a particular label than those that are displayed. To avoid such potential confusion, it is appropriate to carry out, as a first step, an initial rescaling of existing labels, in order to ensure a homogeneous A to G scale for three categories of products pursuant to this Regulation.

(17) Energy labelling of space and water heating products was introduced only recently and the rate of technological progress in those product groups is relatively slow. The current labelling scheme makes a clear distinction between conventional fossil fuel technologies that are at best class A, and technologies that use renewable energy, which are often significantly more expensive, for which classes A+, A++ and A+++ are reserved. Substantial energy savings can already be achieved by the most efficient fossil fuel technologies, which would make it appropriate to continue promoting them as class A. As the market for space and water heating products is likely to move slowly towards more renewable technologies, it is appropriate to rescale the energy labels for those products later.

(18) Following initial rescaling, the frequency of further rescaling should be determined by reference to the percentage of products sold that are in the top classes. Further rescaling should take into account the speed of technological progress and the need to avoid over burdening suppliers and dealers, and, in particular, small businesses. Therefore, a timescale of approximately 10 years would be desirable for the frequency of rescaling. A newly rescaled label should leave the top class empty to encourage technological progress, provide for regulatory stability, limit the frequency of rescaling and enable ever more efficient products to be developed and recognised. In exceptional cases, where technology is expected to develop more rapidly, no products should fall within the top two classes at the moment of introduction of the newly rescaled label.

(19) Before rescaling, the Commission should carry out an appropriate preparatory study.

(20) When a label for a product group is rescaled, confusion on the part of customers should be avoided

by replacing the labels on the affected products displayed in shops within a short timeframe, and by organising adequate consumer information campaigns clearly indicating that a new version of the label has been introduced.

(21) In the case of a rescaled label, suppliers should provide both the existing and the rescaled labels to dealers for a certain period. The replacement of the existing labels on products on display, including on the internet, with the rescaled labels should take place as quickly as possible after the date of replacement specified in the delegated act on the rescaled label. Dealers should not display the rescaled labels before the date of replacement.

(22) It is necessary to provide for a clear and proportionate distribution of obligations corresponding to the role of each operator in the supply and distribution process. Economic operators should be responsible for compliance in relation to their respective roles in the supply chain and should ensure that they make available on the market only products which comply with this Regulation and the delegated acts adopted pursuant thereto.

(23) In order for customers to retain confidence in the energy label, other labels that mimic the energy label should not be allowed to be used for energy-related products and non-energy-related products. Where energy-related products are not covered by delegated acts, Member States should be able to maintain or introduce new national schemes for the labelling of such products. Additional labels, marks, symbols or inscriptions that are likely to mislead or confuse customers with respect to the consumption of energy for the product concerned should not be allowed for the same reason. Labels provided for pursuant to Union law, such as the labelling of tyres with respect to fuel efficiency and other environmental parameters, and additional labels such as the EU Energy Star and EU Ecolabel should not be considered to be misleading or confusing.

(24) Increasingly, customers are offered software or firmware updates of their products after the products have been placed on the market and put into use. While such updates are typically intended to improve product performance, they may also impact the energy efficiency and other product parameters indicated on the energy label. If those changes are to the detriment of what is indicated on the label, customers should be informed about those changes and should be given the option of accepting or refusing the update.

(25) In order to ensure legal certainty, it is necessary to clarify that rules on Union market surveillance and control of products entering the Union market provided for in Regulation (EC) No 765/2008 of the European Parliament and of the Council apply to energy-related products. Given the principle of free movement of goods, it is imperative that Member States' market surveillance authorities cooperate with each other effectively. Such cooperation on energy labelling should be reinforced through support by the Commission of the Administrative Cooperation Groups (AdCos) on Ecodesign and Energy Labelling.

(26) The Commission proposal for a new regulation on market surveillance of products integrates the provisions of Regulation (EC) No 765/2008, Directive 2001/95/EC of the European Parliament and of the Council and several sector-specific Union harmonisation legislative acts. That proposal includes provisions on safeguard clauses contained in Decision No 768/2008/EC of the European Parliament and of the Council, which would apply to all Union harmonisation legislative acts. For so long as the new regulation is still under consideration by the co-legislators, it is appropriate to refer to Regulation (EC) No 765/2008 and to include safeguard clauses in this Regulation.

(27) Market surveillance activities covered by Regulation (EC) No 765/2008 are not directed exclusively

towards the protection of health and safety, but are also applicable to the enforcement of Union law which seek to safeguard other public interests, including energy efficiency. In line with the Commission Communication entitled '20 actions for safer and compliant products for Europe: a multi-annual action plan for the surveillance of products in the EU' of 13 February 2013, the Union general risk assessment methodology has been updated so that it covers all risks, including those relating to energy labelling.

(28) Coherent and cost-effective market surveillance activity throughout the Union also requires well-structured, comprehensive archiving and sharing of all pertinent information among Member States on national activities in this context, including a reference to notifications required by this Regulation. The Information and Communication System on Market Surveillance (ICSMS) database established by the Commission is well-suited for the purpose of forming a complete database of market surveillance information, and its use should therefore be strongly encouraged.

(29) In order to set up a useful tool for consumers, to allow for alternative ways for dealers to receive product information sheets, to facilitate the monitoring of compliance and to provide up-to-date market data for the regulatory process on revisions of product-specific labels and information sheets, the Commission should set up and maintain a product database consisting of a public and a compliance part, which should be accessible via an online portal.

(30) Without prejudice to the Member States' market surveillance obligations and to suppliers' obligations to check product conformity, suppliers should make the required product compliance information available electronically in the product database. The information relevant for consumers and dealers should be made publicly available in the public part of the product database. That information should be made available as open data so as to give mobile application developers and other comparison tools the opportunity to use it. Easy direct access to the public part of the product database should be facilitated by user-oriented tools, such as a dynamic quick response code (QR code), included on the printed label.

(31) The compliance part of the product database should be subject to strict data protection rules. The required specific parts of the technical documentation in the compliance part should be made available both to market surveillance authorities and to the Commission. Where some technical information is so sensitive that it would be inappropriate to include it in the category of technical documentation as detailed in delegated acts adopted pursuant to this Regulation, market surveillance authorities should retain the power to access that information when necessary in accordance with the duty of cooperation on suppliers or by way of additional parts of the technical documentation uploaded to the product database by suppliers on a voluntary basis.

(32) In order for the product database to be of use as soon as possible, registration should be mandatory for all models the units of which are placed on the market as from the date of entry into force of this Regulation. For models, the units of which are placed on the market before the date of entry into force of this Regulation and which are no longer marketed, registration should be optional. An appropriate transitional period should be provided for the development of the database and to allow suppliers to comply with their registration obligation. When any changes with relevance for the label and the product information sheet are made to a product already on the market, the product should be considered to be a new model and the supplier should register it in the product database. The Commission, in cooperation with market surveillance authorities and suppliers, should pay special attention to the transitional process until the full implementation of the public and compliance parts of the product database.

(33) The penalties applicable to infringements of the provisions of this Regulation and delegated acts

adopted pursuant thereto should be effective, proportionate and dissuasive.

(34) In order to promote energy efficiency, climate mitigation and environmental protection, Member States should be able to create incentives for the use of energy-efficient products. Member States are free to decide on the nature of such incentives. Such incentives should comply with Union State aid rules and should not constitute unjustifiable market barriers. This Regulation does not prejudice the outcome of any future State aid procedure that may be undertaken in accordance with Articles 107 and 108 of the Treaty on the Functioning of the European Union (TFEU) in respect of such incentives.

(35) Energy consumption, performance and other information concerning the products covered by product-specific requirements under this Regulation should be measured by using reliable, accurate and reproducible methods that take into account the generally recognised state-of-the-art measurements and calculation methods. In the interests of the proper functioning of the internal market, standards should be harmonised at Union level. Such methods and standards should, to the extent possible, take into account the real-life usage of a given product, reflect average consumer behaviour and be robust in order to deter intentional and unintentional circumvention. Energy labels should reflect the comparative performance of the actual use of products, within the constraints due to the need of reliable and reproducible laboratory testing. Suppliers should therefore not be allowed to include software or hardware that automatically alters the performance of the product in test conditions. In the absence of published standards at the time of application of product-specific requirements, the Commission should publish, in the *Official Journal of the European Union*, transitional measurement and calculation methods in relation to those product-specific requirements. Once a reference to such a standard has been published, compliance with it should provide a presumption of conformity with measurement methods for those product-specific requirements adopted on the basis of this Regulation.

(36) The Commission should provide a long-term working plan for the revision of labels for particular energy-related products including an indicative list of further energy-related products for which an energy label could be established. The working plan should be implemented starting with a technical, environmental and economic analysis of the product groups concerned. That analysis should also look at supplementary information including the possibility and cost of providing consumers with information on the performance of an energy-related product, such as its energy consumption, durability or environmental performance, in coherence with the objective to promote a circular economy. Such supplementary information should improve the intelligibility and effectiveness of the label towards consumers and should not lead to any negative impact on consumers.

(37) Suppliers of products marketed in accordance with Directive 2010/30/EU before the date of entry into force of this Regulation should continue to be subject to the obligation to make available an electronic version of the technical documentation of the products concerned upon request of the market surveillance authorities. Appropriate transitional provisions should ensure legal certainty and continuity in this respect.

(38) In addition, in order to ensure a seamless transition to this Regulation, the existing requirements laid down in delegated acts adopted pursuant to Article 10 of Directive 2010/30/EU and Commission Directive 96/60/EC should continue to apply to the relevant product groups until they are repealed or replaced by delegated acts adopted pursuant to this Regulation. The application of those existing requirements is without prejudice to the application of the obligations under this Regulation.

(39) In order to establish specific product groups of energy-related products in accordance with a set of specific criteria and in order to establish product-specific labels and information sheets, the power to

adopt acts in accordance with Article 290 TFEU should be delegated to the Commission. It is of particular importance that the Commission carry out appropriate consultations during its preparatory work, including at expert level, and that those consultations be conducted in accordance with the principles laid down in the Interinstitutional Agreement of 13 April 2016 on Better Law Making. In particular, to ensure equal participation in the preparation of delegated acts, the European Parliament and the Council receive all documents at the same time as Member States' experts, and their experts systematically have access to meetings of Commission expert groups dealing with the preparation of delegated acts.

(40) In order to ensure uniform conditions for the implementation of this Regulation, implementing powers for determining under the Union safeguard procedure whether a national measure is justified or not and for establishing detailed requirements concerning the operational details relating to the product database should be conferred on the Commission. Those powers should be exercised in accordance with Regulation (EU) No 182/2011 of the European Parliament and of the Council.

(41) Since the objectives of this Regulation, namely to allow customers to choose more efficient products by supplying relevant information, cannot be sufficiently achieved by the Member States but can rather, by further developing the harmonised regulatory framework and ensuring a level playing field for manufacturers, be better achieved at Union level, the Union may adopt measures, in accordance with the principle of subsidiarity as set out in Article 5 of the Treaty on European Union. In accordance with the principle of proportionality as set out in that Article, this Regulation does not go beyond what is necessary in order to achieve those objectives.

(42) This Regulation should be without prejudice to the obligations of the Member States relating to the time-limits for transposition into national law and the date of application of Directive 2010/30/EU.

(43) Directive 2010/30/EU should therefore be repealed,

Article 1

Subject-matter and scope

1. This Regulation lays down a framework that applies to energy-related products ('products') placed on the market or put into service. It provides for the labelling of those products and the provision of standard product information regarding energy efficiency, the consumption of energy and of other resources by products during use and supplementary information concerning products, thereby enabling customers to choose more efficient products in order to reduce their energy consumption.

2. This Regulation does not apply to:

- (a) second-hand products, unless they are imported from a third country;
- (b) means of transport for persons or goods.

Article 2

Definitions

For the purposes of this Regulation the following definitions apply:

- (1) 'energy-related product' or 'product' means a good or system with an impact on energy consumption during use which is placed on the market or put into service, including parts with an impact on energy consumption during use which are placed on the market or put into service for customers and that are intended to be incorporated into products;
- (2) 'product group' means a group of products which have the same main functionality;
- (3) 'system' means a combination of several goods which when put together perform a specific function in an expected environment and of which the energy efficiency can then be determined as a single entity;
- (4) 'model' means a version of a product of which all units share the same technical characteristics relevant for the label and the product information sheet and the same model identifier;
- (5) 'model identifier' means the code, usually alphanumeric, which distinguishes a specific product model from other models with the same trade mark or the same supplier's name;
- (6) 'equivalent model' means a model which has the same technical characteristics relevant for the label and the same product information sheet, but which is placed on the market or put into service by the same supplier as another model with a different model identifier;
- (7) 'making available on the market' means the supply of a product for distribution or use on the **markets of the Contracting Parties** in the course of a commercial activity, whether in return for payment or free of charge;
- (8) 'placing on the market' means the first making available of a product on the **markets of the Contracting Parties**;
- (9) 'putting into service' means the first use of a product for its intended purpose on the **markets of the Contracting Parties**;
- (10) 'manufacturer' means a natural or legal person who manufactures a product or has a product designed or manufactured, and markets that product under its name or trademark;
- (11) 'authorised representative' means a natural or legal person established in the **Energy Community** who has received a written mandate from the manufacturer to act on its behalf in relation to specified tasks;
- (12) 'importer' means a natural or legal person established in the **Energy Community** who places a product from a third country on the **markets of the Contracting Parties**;
- (13) 'dealer' means a retailer or other natural or legal person who offers for sale, hire, or hire purchase, or displays products to customers or installers in the course of a commercial activity, whether or not in return for payment;
- (14) 'supplier' means a manufacturer established in the **Energy Community**, the authorised representative of a manufacturer who is not established in the **Energy Community**, or an importer, who places a product on the **markets of the Contracting Parties**;
- (15) 'distance selling' means the offer for sale, hire or hire purchase by mail order, catalogue, internet, telemarketing or by any other method by which the potential customer cannot be expected to see the product displayed;
- (16) 'customer' means a natural or legal person who buys, hires or receives a product for own use whether or not acting for purposes which are outside its trade, business, craft or profession;
- (17) 'energy efficiency' means the ratio of output of performance, service, goods or energy to input of

energy;

(18) 'harmonised standard' means standard as defined in point (c) of Article 2(1) of Regulation (EU) No 1025/2012 of the European Parliament and of the Council;

(19) 'label' means a graphic diagram, either in printed or electronic form, including a closed scale using only letters from A to G, each letter representing a class and each class corresponding to energy savings, in seven different colours from dark green to red, in order to inform customers about energy efficiency and energy consumption; it includes rescaled labels and labels with fewer classes and colours in accordance with Article 11(10) and (11);

(20) 'rescaling' means an exercise making the requirements for achieving the energy class on a label for a particular product group more stringent;

(21) 'rescaled label' means a label for a particular product group that has undergone rescaling and is distinguishable from labels before rescaling while preserving a visual and perceptible coherence of all labels;

(22) 'product information sheet' means a standard document containing information relating to a product, in printed or electronic form;

(23) 'technical documentation' means documentation sufficient to enable market surveillance authorities to assess the accuracy of the label and the product information sheet of a product, including test reports or similar technical evidence;

(24) 'supplementary information' means information, as specified in a delegated act, on the functional and environmental performance of a product;

(25) <...>¹

(26) 'verification tolerance' means the maximum admissible deviation of the measurement and calculation results of the verification tests performed by, or on behalf of, market surveillance authorities, compared to the values of the declared or published parameters, reflecting deviation arising from interlaboratory variation.

Article 3

General obligations of suppliers

1. The supplier shall ensure that products that are placed on the market are accompanied, for each individual unit, free of charge, with accurate printed labels and with product information sheets in accordance with this Regulation and the relevant delegated acts.

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Delegated acts may provide that the label is printed on the packaging of the product.

2. The supplier shall deliver printed label, including any rescaled labels, and product information sheets, to the dealer free of charge, promptly and in any event within five working days upon the dealer's request.

3. The supplier shall ensure the accuracy of the labels and product information sheets that it provides and shall produce technical documentation sufficient to enable the accuracy to be assessed.

¹ Not applicable in accordance with Article 3(1)(a) of Decision 2018/03/MC-EnC

² The second subparagraph of Article 3(1) is not applicable in accordance with Article 3(1)(a) of Decision 2018/03/MC-EnC

4. Once a unit of a model is in service, the supplier shall request explicit consent from the customer regarding any changes intended to be introduced to the unit by means of updates that would be detrimental to the parameters of the energy efficiency label for that unit, as set out in the relevant delegated act. The supplier shall inform the customer of the objective of the update and of the changes in the parameters, including any change in the label class. For a period proportionate to the average lifespan of the product, the supplier shall give the customer the option of refusing the update without avoidable loss of functionality.

5. The supplier shall not place on the market products that have been designed so that a model's performance is automatically altered in test conditions with the objective of reaching a more favourable level for any of the parameters specified in the relevant delegated act or included in any of the documentation provided with the product.

6. After the final unit of a model has been placed on the market, the supplier shall keep the information concerning that model for a period of 15 years. Where appropriate in relation to the average life span of a product, a shorter retention period may be provided for by relevant delegated acts.

Article 4

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Article 5

Obligations of dealers

1. The dealer shall:

(a) display, in a visible manner, including for online distance selling, the label provided by the supplier or made available in accordance with paragraph 2 for units of a model covered by the relevant delegated act; and,

(b) make available to customers the product information sheet, including, upon request, in physical form at the point of sale.

2. Where, notwithstanding Article 3(1), the dealer does not have a label, it shall request one from the supplier in accordance with Article 3(2).

3. Where, notwithstanding Article 3(1), the dealer does not have a product information sheet, it shall request one from the supplier in accordance with Article 3(2); or, if it chooses to do so, print or download one for electronic display from the product database, if those functions are available for the relevant product.

³ Not applicable in accordance with Article 3(1)(a) of Decision 2018/03/MC-EnC

Article 6

Other obligations of suppliers and dealers

The supplier and the dealer shall:

- (a) make reference to the energy efficiency class of the product and the range of the efficiency classes available on the label in visual advertisements or technical promotional material for a specific model in accordance with the relevant delegated act;
- (b) cooperate with market surveillance authorities and take immediate action to remedy any case of non-compliance with the requirements set out in this Regulation and the relevant delegated acts, which falls under their responsibility, at their own initiative or when required to do so by market surveillance authorities;
- (c) for products covered by delegated acts, not provide or display other labels, marks, symbols or inscriptions which do not comply with the requirements of this Regulation and the relevant delegated acts, if doing so would be likely to mislead or confuse customers with respect to the consumption of energy or other resources during use;
- (d) for products not covered by delegated acts, not supply or display labels which mimic the labels provided for under this Regulation and the relevant delegated acts;
- (e) for non-energy related products, not supply or display labels which mimic the labels provided for in this Regulation or in delegated acts.

Point (d) in the first subparagraph shall not affect labels provided for in national law, unless those labels are provided for in delegated acts.

Article 7

Obligations of Contracting Parties

1. **Contracting Parties** shall not impede the placing on the market or putting into service, within their territories, of products which comply with this Regulation and the relevant delegated acts.
2. Where **Contracting Parties** provide incentives for a product specified in a delegated act, those incentives shall aim at the highest two significantly populated classes of energy efficiency, or at higher classes as laid down in that delegated act.
3. **Contracting Parties** shall ensure that the introduction of labels and rescaling of labels is accompanied by educational and promotional information campaigns on energy labelling, if appropriate in cooperation with suppliers and dealers. The **Secretariat** shall support cooperation and the exchange of best practices in relation to those campaigns, including through the recommendation of common key messages.
4. **Contracting Parties** shall lay down the rules on penalties and enforcement mechanisms applicable to infringements of this Regulation and the delegated acts, and shall take all measures necessary to ensure that they are implemented. The penalties provided for shall be effective, proportionate and dissuasive. Rules which fulfil the requirements of Article 15 of **Directive 2010/30/EU, as incorporated and adapted by the Ministerial Council Decision 2010/02/MC-EnC**, shall be considered to fulfil the requirements of this paragraph as regards penalties.

Contracting Parties shall, by **1 January 2020**, notify the **Secretariat** of the rules referred to in the first subparagraph that have not previously been notified to the **Secretariat**, and shall notify the **Secretariat**, without delay, of any subsequent amendment affecting them.

Article 8

Market surveillance and control of products entering the markets of Contracting Parties

1. The Secretariat shall encourage and support cooperation and the exchange of information on market surveillance relating to the labelling of products between national authorities of the Contracting Parties that are responsible for market surveillance or in charge of the control of products entering the Contracting Parties' markets, and between them and the Secretariat, inter alia.

Such exchanges of information shall also be conducted when test results indicate that the product complies with this Regulation and the relevant delegated act.

2. Contracting Parties' general market surveillance programmes or sector specific programmes, where applicable, shall include actions to ensure the effective enforcement of this Regulation.

3. For the purposes of the preceding paragraphs, national market surveillance authorities and the Secretariat shall take into account guidelines for the enforcement of this Regulation, in particular as regards best practices for product testing and the sharing of information, developed under Article 8(4) of Regulation (EU) 2017/1369 in the European Union.

4. Market surveillance authorities shall have the right to recover from the supplier the costs of document inspection and physical product testing in case of non-compliance with this Regulation or the relevant delegated acts.

Article 9

Procedure at national level for dealing with products presenting a risk

1. Where the market surveillance authorities of one Contracting Party have sufficient reason to believe that a product covered by this Regulation presents a risk to aspects of public interest protection covered by this Regulation, such as environmental and consumer protection aspects, they shall carry out an evaluation in relation to the product concerned covering all energy labelling requirements relevant to the risk and laid down in this Regulation or in the relevant delegated act. Suppliers and dealers shall cooperate as necessary with the market surveillance authorities for the purpose of that evaluation.

2. Where, in the course of the evaluation referred to in paragraph 1, the market surveillance authorities find that the product does not comply with the requirements laid down in this Regulation or in the relevant delegated act, they shall without delay require the supplier, or where appropriate, the dealer, to take all appropriate corrective action to bring the product into compliance with those requirements, where appropriate to withdraw the product from the market, or where appropriate, to recall it within a reasonable period, commensurate with the nature of the risk as they may prescribe.

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3. Where the market surveillance authorities consider that a case of non-compliance as referred to in paragraph 2 is not restricted to their national territory, they shall inform the **Secretariat** and the other **Contracting Parties** of the results of the evaluation and of the action which they have required the supplier or dealer to take.

4. The supplier or, where appropriate, the dealer shall ensure that all appropriate corrective or restrictive action in accordance with paragraph 2 is taken in respect of all the products concerned that it has made available on the market throughout the **Energy Community**.

5. Where the supplier or, where appropriate, the dealer does not take adequate corrective action within the period referred to in paragraph 2, the market surveillance authorities shall take all appropriate provisional measures to prohibit or restrict the availability of the product on their national market, to withdraw the product from that market, or to recall it.

6. The market surveillance authorities shall inform the **Secretariat** and the other **Contracting Parties** without delay of the measures taken pursuant to paragraph 5. That information shall include all available details, in particular:

- (a) the data necessary for the identification of the non-compliant product;
- (b) the origin of the product;
- (c) the nature of the non-compliance alleged and the risk involved;
- (d) the nature and duration of the national measures taken and the arguments put forward by the supplier or, where appropriate, the dealer.

In particular, the market surveillance authorities shall indicate whether the non-compliance is due to either failure of the product to meet requirements relating to aspects of public interest protection laid down in this Regulation or shortcomings in the harmonised standards referred to in Article 13 conferring a presumption of conformity.

7. **Contracting Parties** other than the **Contracting Party** initiating the procedure shall without delay inform the **Secretariat** and the other **Contracting Parties** of any measures adopted and of any additional information at their disposal relating to the non-compliance of the product concerned, and, in the event of disagreement with the notified national measure, of their objections.

8. Where, within 60 days of receipt of the information referred to in paragraph 6, no objection has been raised by either a **Contracting Party**, or the **Secretariat** in respect of a provisional measure taken by a **Contracting Party**, that measure shall be deemed to be justified.

9. **Contracting Parties** shall ensure that appropriate restrictive measures, such as withdrawal of the product from their market, are taken in respect of the product concerned, without delay.

Article 10

Energy Community safeguard procedure

1. Where, on completion of the procedure set out in Article 9(4) and (5), objections are raised against a measure taken by a Contracting Party, or where the Secretariat considers

⁴ The second subparagraph of Article 9(2) is not applicable, in accordance with Article 3(1)(a) of Decision 2018/03/MC-EnC

a national measure to be contrary to Energy Community law, the Secretariat shall, without delay, consult the Contracting Party, and the supplier or, where appropriate, the dealer and shall evaluate the national measure.

On the basis of the results of that evaluation, the Secretariat shall decide whether the national measure is justified or not and may suggest an appropriate alternative measure. The Secretariat shall seek consent from the European Commission before taking such decision.

2. The **Secretariat** shall address its decision to all **Contracting Parties** and shall immediately communicate it to them and to the supplier or dealer concerned.

3. If the national measure is considered to be justified, all **Contracting Parties** shall take the measures necessary to ensure that the non-compliant product is withdrawn from their market, and shall inform the **Secretariat** and Commission accordingly. If the national measure is considered to be unjustified, the **Contracting Party** concerned shall withdraw the measure.

4. Where the national measure is considered to be justified and the non-compliance of the product is attributed to shortcomings in the harmonised standards referred to in Article 9(6) of this Regulation, the Secretariat shall inform the Commission thereof.

5. Corrective or restrictive measures pursuant to Article 9(2), (4), (5) or (9), or Article 10(3) shall be extended to all units of a non-compliant model and of its equivalent models, except those units for which the supplier demonstrates that they are compliant.

Article 11

Use of rescaled labels

<...>⁵

13. Where, pursuant to Article 11(1) or (3) of Regulation (EU) 2017/1369 in the European Union, a label has been rescaled:

(a) the supplier shall, when placing a product on the market, provide both the existing and the rescaled labels and the product information sheets to the dealer for a period beginning four months before the date specified in the relevant delegated act for starting the display of the rescaled label.

By way of derogation from the first subparagraph of this point, if the existing and the rescaled label require different testing of the model, the supplier may choose not to supply the existing label with units of models placed on the market or put into service during the four-month period before the date specified in the relevant delegated act for starting the display of the rescaled label if no units belonging to the same model or equivalent models were placed on the market or put into service before the start of the four-month period. In that case, the dealer shall not offer those units for sale before that date. The supplier shall notify the dealer concerned of that consequence as soon as possible, including when it includes such units in its offers to dealers.

(b) the supplier shall, for products placed on the market or put into service before the four-month period, deliver the rescaled label on request from the dealer in accordance with Article 3(2) as from the start of that period. For such products, the dealer shall obtain a rescaled label in accordance with Article 5(2).

⁵ Article 11(1) to (12) is not applicable, in accordance with Article 3(1)(a) of Decision 2018/03/MC-EnC

By way of derogation from the first subparagraph of this point:

(i) a dealer who is unable to obtain a rescaled label in accordance with the first subparagraph of this point for units already in its stock because the supplier has ceased its activities shall be permitted to sell those units exclusively with the non-rescaled label until nine months after the date specified in the relevant delegated act for starting the display of the rescaled label; or

(ii) if the non-rescaled and the rescaled label require different testing of the model, the supplier is exempt from the obligation to supply a rescaled label for units placed on the market or put into service before the four month period, if no units belonging to same model or equivalent models are placed on the market or put into service after the start of the four-month period. In that case, the dealer shall be permitted to sell those units exclusively with the non-rescaled label until nine months after the date specified in the relevant delegated act for starting the display of the rescaled label.

(c) the dealer shall replace the existing labels on products on display, both in shops and online, with the rescaled labels within 14 working days after the date specified in the relevant delegated act for starting the display of the rescaled label. The dealer shall not display the rescaled labels before that date.

By way of derogation from points (a), (b) and (c) of this paragraph, relevant delegated acts may provide for specific rules for energy labels printed on the packaging.

Article 12

Product database

<...>⁶

Article 13

Harmonised standards

Where harmonised standards referred to in Article 13 of Regulation (EU) 2017/1369 in the European Union are applied during the conformity assessment of a product, the model shall be presumed to be in conformity with the relevant measurement and calculation requirements of the delegated act.

Article 14

Consultation Forum

<...>⁷

⁶ Not applicable in accordance with Article 3(1)(a) of Decision 2018/03/MC-EnC

⁷ Not applicable in accordance with Article 3(1)(a) of Decision 2018/03/MC-EnC

Article 15
Working plan

<...>⁸

Article 16
Relevant delegated acts

1. The European Commission may propose to the Ministerial Council the incorporation of relevant delegated acts supplementing Regulation (EU) 2017/1369 in the Energy Community.
2. The Ministerial Council shall decide upon the incorporation and adaptation of these relevant delegated acts at the meeting following the proposal. Upon adoption of a relevant Decision, relevant delegated acts shall be transposed and implemented by all Contracting Parties.

Article 17
Exercise of the delegation

<...>⁹

Article 18
Committee procedure

<...>¹⁰

Article 19
Evaluation and report

By 2 August 2025, the Secretariat shall assess the implementation of this Regulation and submit a report to the Ministerial Council.

⁸ Not applicable in accordance with Article 3(1)(a) of Decision 2018/03/MC-EnC

⁹ Not applicable in accordance with Article 3(1)(a) of Decision 2018/03/MC-EnC

¹⁰ Not applicable in accordance with Article 3(1)(a) of Decision 2018/03/MC-EnC

Article 20

Repeal and transitional measures

- 1. Directive 2010/30/EU, as incorporated and adapted by the Ministerial Council Decision 2010/02/MC-EnC, is repealed with effect from 1 January 2020.**
- References to the repealed Directive shall be construed as references to this Regulation and shall be read in accordance with the correlation table set out in Annex II.
- For models, the units of which were placed on the market or put into service in accordance with **Directive 2010/30/EU, as incorporated and adapted by the Ministerial Council Decision 2010/02/MC-EnC**, before **1 January 2020**, the supplier shall, for a period ending five years after the final unit was manufactured, make an electronic version of the technical documentation available for inspection within 10 days of a request received from **Contracting Parties** or the **Secretariat**.
- 4. Delegated acts adopted pursuant to Article 10 of Directive 2010/30/EU and Directive 96/60/EC, as incorporated and adapted by the Ministerial Council, shall remain in force until they are repealed by a Decision adopted by the Ministerial Council taken under Article 16 of this Regulation.**

Obligations under this Regulation shall apply in relation to product groups covered by delegated acts adopted pursuant to Article 10 of **Directive 2010/30/EU and by Directive 96/60/EC, as incorporated and adapted by the Ministerial Council Decision 2010/02/MC-EnC**.

- 5. With regard to product groups already covered by relevant delegated acts adopted pursuant to Directive 2010/30/EU as incorporated and adapted by the Ministerial Council, or to Directive 96/60/EC as incorporated and adapted by the Ministerial Council, the energy efficiency classification established by Directive 2010/30/EU, as incorporated and adapted by the Ministerial Council Decision 2010/02/MC-EnC, may continue to apply until the date on which the delegated acts introducing rescaled labels become applicable.**

Article 21

Entry into force and application

This Regulation shall enter into force on the day of its adoption by the Ministerial Council. It shall be transposed, implemented and applicable by 1 January 2020.

Each Contracting Party shall notify the Secretariat of completed transposition within two weeks following the adoption of transposition measures.

ANNEX I

INFORMATION TO BE ENTERED IN THE PRODUCT DATABASE AND FUNCTIONAL CRITERIA FOR THE PUBLIC PART OF THE DATABASE

<...>¹¹

ANNEX II

CORRELATION TABLE

Directive 2010/30/EU	This Regulation
Article 1(1)	Article 1(1)
Article 1(2)	—
Article 1(3)(a) and (b)	Article 1(2)(a) and (b)
Article 1(3)(c)	—
Article 2	Article 2
Article 2(a)	Article 2, point 1
Article 2(b)	Article 2, point 22
Article 2(c)	—
Article 2(d)	—
Article 2(e)	—
Article 2(f)	—
Article 2(g)	Article 2, point 13
Article 2(h)	Article 2, point 14
Article 2(i)	Article 2, point 8
Article 2(j)	Article 2, point 9
Article 2(k)	—
Article 3	Article 7
Article 3(1)(a)	Article 7(3)
Article 3(1)(b)	Article 6(c)
Article 3(1)(c)	Article 7(3)
Article 3(1)(d)	Article 8(2)
Article 3(2)	Article 6(b) and Article 9
Article 3(3)	Article 8(1)
Article 3(4)	—
Article 4(a)	Article 5
Article 4(b)	—

¹¹ Not applicable in accordance with Article 3(1)(a) of Decision 2018/03/MC-EnC

Article 4(c)	Article 6(a)
Article 4(d)	Article 6(a)
Article 5	Article 3(1) and Article 6
Article 5(a)	Article 3(1)(a)
Article 5(b), points (i), (ii), (iii) and (iv)	Article 4(6) and Annex I
Article 5(c)	Article 4(6)
Article 5(d)	Article 3(1)
Article 5(d), second subparagraph	Article 3(1)
Article 5(e)	Article 3(1)
Article 5(f)	—
Article 5(g)	Article 3(1)
Article 5(h)	—
Article 6	Article 5(1) and Article 6
Article 6(a)	Article 5(1)(a)
Article 6(b)	Article 5(1)(a)
Article 7	Article 16(3)(e) and (g)
Article 8(1)	Article 7(1)
Article 8(2)	—
Article 9(3)	Article 7(2)
Article 9(4)	—
Article 10(1)	Article 16
Article 10(1), second paragraph	Article 16(2)
Article 10(1), third paragraph	—
Article 10(1), fourth paragraph	Article 16(3)(c)
Article 10(2)(a)	Article 16(2)(a)
Article 10(2)(b)	Article 16(2)(b)
Article 10(2)(c)	—
Article 10(3)(a)	—
Article 10(3)(b)	—
Article 10(3)(c)	Article 14
Article 10(3)(d)	—
Article 10(4)(a)	Article 16(3)(a)
Article 10(4)(b)	Article 16(3)(k)
Article 10(4)(c)	Article 16(3)(h)
Article 10(4)(d)	Article 16(3)(b)
Article 10(4)(d), second paragraph	—
Article 10(4)(d), third paragraph	Article 16(3)(b)

Article 10(4)(d), fourth paragraph	Article 11(3)
Article 10(4)(d), fifth paragraph	Article 11
Article 10(4)(e)	Article 16(3)(e)
Article 10(4)(f)	Article 16(3)(h)
Article 10(4)(g)	Article 16(3)(j)
Article 10(4)(h)	Article 11(3)
Article 10(4)(i)	Article 16(3)(i)
Article 10(4)(j)	Article 16(3)(o)
Article 11(1)	Article 17(2)
Article 11(2)	Article 17(5)
Article 11(3)	Article 17(1)
Article 12(1)	Article 17(3)
Article 12(2)	—
Article 12(3)	Article 17(3)
Article 13	Article 17(6)
Article 14	Article 19
Article 15	Article 7(4)
Article 16	—
Article 17	Article 20
Article 18	Article 21
Article 19	Article 21
Annex I	—
—	Annex I
Annex II	Annex II