

Frequently Asked Questions (FAQ) on the Energy Labelling Regulation EU 2017/1369 of 4 July 2017 setting a framework for energy labelling and repealing Directive 2010/30/EU and its delegated acts.

This Frequently Asked Questions (FAQ) document summarises questions and answers of general interest regarding the Energy Labelling Regulation EU 2017/1369 and its delegated acts, including those adopted under the former Energy Labelling Directive 2010/30/EU.

Regulation 2017/1396 is in force as of 1st of August 2017¹ and replaces Directive 2010/30/EU. Delegated acts adopted under Directive 2010/30/EU remain in force until they are repealed by a new delegated act adopted under Regulation EU 2017/1369. Obligations under the new Regulation apply in relation to product groups adopted under Directive 2010/30/EU. Regulation 2017/1396 is directly applicable and imposes obligations on suppliers, dealers and the Member States which are additional to those contained in delegated acts made under it or Directive 2010/30/EU. Therefore the FAQs related to Energy Labelling Regulation EU 2017/1369 presented in this document are also applicable to product groups covered by delegated acts adopted under the former Energy Labelling Directive 2010/30/EU.

The answers provided reflect a common understanding between the Commission services and the Market Surveillance Authorities of Member States. The answers as such are not legally binding. A binding interpretation of Union law is the sole competence of the European Court of Justice.

These FAQ cannot go beyond or substitute the requirements of the Energy Labelling Regulation or its delegated acts. The general obligations set out in Regulation 2017/1369 as well as the product-specific rules set out in the delegated acts are binding in their entirety and directly applicable in all Member States.

¹ The obligations of suppliers in relation to the product database shall apply from 1 January 2019.

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Energy Labelling Regulation EU 2017/1369 of 4 July 2017 setting a framework for energy labelling and repealing Directive 2010/30/ EU

NOTE: The FAQs presented in this section are also applicable to product groups covered by delegated acts adopted under the former Energy Labelling Directive 2010/30/EU.

(1) Question on second hand products (09-2011 adapted 11/2017)

According to Article 1(2)(a) the Regulation does not apply to “second hand products”. Do the following cases concern second hand products?

- a) Cases of cancellation of contracts. The consumer withdraws the contract. The product is then resold.
- b) Products that have been repaired or refurbished and are then placed on the market and resold.
- c) Swap stocks: products that are held in stock for the purpose of warranty cases and are sold at a later stage as “phase-out model”.

(1) Answer on second hand products

- a) This would be considered a second hand good if it has been used.
- b) Yes, repaired products are normally second hand product unless it has been significantly changed and comes e.g. with a new warranty period in which case it can be considered as a new product.
- c) No, this concerns new product because they have not been offered for sale before.

(2) Question on putting into service (09-2011 adapted 11/2017)

What is covered by “putting into service” in Article 2 point 9 of the Regulation?

(2) Answer on putting into service

The aim of this definition concerns products which can be used only after an assembly, an installation or other manipulation has been carried, such as boilers and water heaters.

(3) Question on the correct display of the label (04-2012 adapted 11/2017)

According to Article 5.1(a) of the Regulation and Article 4(a) of various delegated acts, each product placed at the point of sale has to bear the label on the outside of the front or top of the appliance. These provisions raise concerns particularly among kitchen studios and for retailers offering build-in appliances, high-quality kitchen and kitchen equipment. These retailers raise the following concerns and ask if it is possible to place the label:

- a) in the case of build-in devices (e.g. built-in ovens), inside of the appliance,
- b) in the case of high-end appliances with sensitive surfaces in plastic stand-up displays, near the appliance (e.g. to prevent edges caused by solar radiation).

Furthermore retailers ask if there are exemptions for sample kitchens which can be found at the point of sale in bigger kitchen studios and which are used for cooking demonstrations for advertising purposes.

(3) Answer on the correct display of the label

- a) According to the Regulation and the delegated acts, it is not possible to place the label inside the appliance since this contradicts the general requirement of the Regulation to

display the label in a visible manner and the specific requirements of the relevant delegated acts.

- b) The relevant delegated acts which usually refer to on front or on top of the appliance and thus 'near' the appliance is not specific enough.

Concerning exemptions, the answer depends on the specific case. If the kitchen equipment is not offered for sale, but exclusively used for cooking demonstrations, it is not necessary to put a label on the different appliances: in cases where end-users cannot purchase, hire or hire-purchase the specific product, there is no obligation that the product bears the label. However, in case of advertising purposes a reference to the energy efficiency class of the product has to be displayed if energy-related or price information is disclosed.

(4) Question on technical documentation for the energy related product (11-2012 adapted 11/2017)

According to the Energy Labelling Regulation, the supplier has several obligations in relation to technical documentation (e.g. Articles 3(3), 4(2) 4(6) 12(4) 12(5) 20(3) of the Energy Labelling Regulation). According to Regulation (EC) No 765/2008 of 9 July 2008 setting out the requirements for accreditation and market surveillance relating to the marketing of products, market surveillance also applies to products imported from countries within the EU market. Article 19(1) of Regulation 765/2008 indicates that: *“Market surveillance authorities may require economic operators to make such documentation and information available as appear to them to be necessary for the purpose of carrying out their activities, and, where it is necessary and justified, enter the premises of economic operators and take the necessary samples of products. They may destroy or otherwise render inoperable products presenting a serious risk where they deem it necessary.”* The definition of economic operator is (Regulation 765/2008, Article 2(7)): *“economic operators” shall mean the manufacturer, the authorised representative, the importer and the distributor.* The definition of distributor is (Article 2(6)):

“distributor” shall mean any natural or legal person in the supply chain, other than the manufacturer or the importer, who makes a product available on the market.

Considering Regulation 765/2008, can the obligation to submit technical documentation be placed on a national distributor or economic operator, even though the supplier/manufacturer/authorised representative or importer is situated in another Member State?

(4) Answer on technical documentation for energy related products

The obligations related to the technical documentation lie with the economic operator which places a product on the market or puts it into service, regardless of where the product is imported from.

(5) Question on energy labels not covered by a regulation (05-2013 adapted 11/2017)

What about labels using the A-G classification and the 7 colours for categories of products not covered by a delegated act? Such labels have been found on the market for energy-related products. Are such labels authorized to be used on the market? Or is this forbidden by Article 6(d) of the Regulation and should market surveillance authorities take action? Would voluntary labelling be allowed if similar rules to those for voluntary agreements in the frame of Ecodesign are followed?

(5) Answer on energy labels not covered by a regulation

Article 6(d) of Regulation EU 2017/1369 clearly forbids the supply or display of labels which mimic the labels provided for in the Regulation or in delegated acts, unless the label is

provided for by national law Market surveillance authorities have the power to take action against unauthorised use of labels. The Energy Labelling Regulation does not contain any provisions for voluntary agreements on energy labels.

(6) Question on post-labelling (01-2014)

Do you have to add a label to a product that has been placed on the market before the labelling deadline of a relevant regulation? In the case that a product that did not require labelling beforehand is still on the market when labelling is required, do you have to add the label?

(6) Answer on post-labelling

The regulations require dealers to show the label provided by suppliers. Unless a regulation specifies otherwise, if suppliers were not required to supply a (new) label at the time the specific product was placed on the market, the dealer is not required to show a (new) label.

(7) Question on catalogues (09-2014 adapted 11/2017)

Several labelling regulations require specific information in catalogues and other publications. Does the date for application of these requirements with the wording “any technical promotional material” mean that these publications can be distributed indefinitely after that date if they were printed before? Some regulations have different date for application regarding printed material but still this does not refer to the date of printing but to the date after which the material has to bear the information.

(7) Answer on catalogues

The date of printing is not relevant for the requirements. Such material has to comply with the specific requirements of the labelling regulation for the product in question as they apply when the material is made available/distributed for the first time.

(8) Question on components of and appliances for means of transport (04-2015 adapted 11/2017)

Do energy labelling delegated acts apply to components of and appliances for means of transport?

(8) Answer on components of and appliances for means of transport

The delegated acts do not specifically mention whether components of and appliances for means of transport fall under their scope, but the Energy Labelling Regulation specifies in its Article 1(2)(b) that the Regulation does not apply to "any means of transport for persons or goods". Therefore, products that are specifically constructed only for application in means of transport (including mobile homes and caravans) and no other applications are exempted from delegated acts.

(9) Question on energy labels in business-business transactions (04-2015 adapted 11/2017)

The Energy Labelling Regulation determines that products should only be supplied with a label if they are marketed to customers. How should we proceed when suppliers and sellers do not act in a clear/united manner regarding this point?

a) When a manufacturer supplies a “professional” product without a label, which a retailer then wishes to sell to everyone: Can the retailer demand a label be subsequently supplied?

b) When the manufacturer supplies a product with a label, but the retailer sells only to business customers (professional catalogues, online): Can the retailer sell these products without showing the label? What is valid for adverts that are directed only at trade professionals?

c) What happens with products that are technically identical, but sold as part of a “professional” and also a “consumer” product sales line?

Which obligations apply to a retailer offering both types of sales (professional and consumer), but with differing product ranges? Must they label all their products? Or only those marketed to consumers?

(9) Answer on energy labels in business-business transactions

Professionals are also customers, so the products they use are not *a priori* excluded from energy label provisions. Different regulations have different approaches in this regard; each regulation contains specific provisions in which case labels have to be provided.

Dealers shall request labels from suppliers and suppliers shall promptly, and in any event within five working days, deliver them, as provided for in Articles 3(1) and 5(2) of the Energy Labelling Regulation.

(10) Question on software updates (06-2016 adapted 11/2017)

Software updates can change product performance, including energy efficiency. If a software update which changes efficiency is provided by the supplier and installed by the dealer before selling the product to the end-user, who is responsible for changing the label?

(10) Answer on software updates

If the supplier provides a software update to the dealer which changes the product, including its efficiency, the supplier has to provide a new label and the dealer has to display it. The dealer is not at fault if the supplier did not actively communicate that the update is connected to a change of the label. If the software update is done after the product is put in service, the supplier shall request explicit consent from the customer regarding any changes that would be detrimental to the parameters of the energy efficiency label, as set out in the relevant delegated act. 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 as provided for in Article 3.4 of the Energy Labelling Regulation.

(11) Question on online label requirements for combined products (11-2016 adapted 11/2017)

New combined white goods are being developed such as a combined hob, oven and dishwasher. How many labels and data sheets have to be shown in the webshop for such appliances?

(11) Answer on online label requirements for combined products

Since the product is both a dishwasher and an oven, two labels and two product fiches have to be shown in the webshop, one for the dishwasher part and one for the oven part (there is no energy label for hobs). If however there is a single product with two functions, such as washer/drier, covered by one regulation, then only one label needs to be displayed.

(12) Question on Article 6(a) – Obligation to show the range of the efficiency classes (11-2017)

According to Article 6(a), the supplier and the dealer shall 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. Similar obligations existed under the Energy Labelling Directive 2010/30/EU, Article 4, but the reference to the range of the efficiency classes available on the label is a new requirement. Does it apply as of 1st of August 2017 (date of entry into force of Energy Labelling Regulation EU 2017/1369)?

(12) Answer on Article 6(a) - Obligation to show the range of the efficiency classes

Technical promotional materials and visual advertisement introduced on the market (i.e. published/distributed) before 1 August 2017 do not need to comply with the requirements of Article 6(a). However, visual advertisements or technical promotional material introduced on the market after 1 August 2017 would have to comply with the new requirements.

Although existing delegated acts do not specify how the range of available efficiency energy classes should be included in visual advertisements, the range of efficiency energy classes is clearly established for specific product groups and set out on the label, and therefore known to suppliers and dealers.

In the absence of harmonised rules, dealers and suppliers have a margin of appreciation how to comply with this obligation. This does mean that the way the range of efficiency classes available for a certain product will be displayed in visual advertisements is likely to be different between different suppliers and dealers. However, in the future, once a new delegated act is adopted on the basis of the Energy Labelling Regulation, this aspect will be exhaustively harmonised at EU level and dealers and suppliers will have to comply with the new requirements.

Commission Delegated Regulation (EU) No 1059/2010 of 28 September 2010 supplementing Directive 2010/30/EU of the European Parliament and of the Council with regard to energy labelling of household dish washers

(1) Question on (non-)compliance in case of missing documentation (11-2012)

Annex III, point 2 of Regulation (EU) No 1059/2010 with regard to energy labelling of household dishwashers states “*Where the information included in the technical documentation for a particular household dishwasher model has been obtained by calculation on the basis of design, or extrapolation from other equivalent household dishwashers, or both, the technical documentation shall include details of such calculations or extrapolations, or both, and of tests undertaken by manufacturers to verify the accuracy of the calculations undertaken. In such cases, the technical documentation shall also include a list of all other equivalent household dishwasher models where the information included in the technical documentation was obtained on the same basis.*” When read in conjunction with Article 5(b) on the responsibility of the suppliers (“*suppliers produce technical documentation which is sufficient to enable the accuracy of the information contained in the label and the fiche to be assessed*”) it seems that the supplier has to provide documentation that enables the market surveillance authority to verify the manufacturer’s calculation/extrapolation of the energy performance of the ‘equivalent’ dishwasher in order to establish the energy performance of the ‘particular’ dishwasher. If the supplier or manufacturer (same provision on extrapolation in regard to ecodesign) cannot provide such documentation, can the product be considered non-compliant?

(1) Answer on (non-)compliance in case of missing documentation

Upon inspection of the documents related to the product, a market surveillance authority can declare a product non-compliant without testing it, if the documentation does not show that the product complies with the relevant delegated act(s).

Commission Delegated Regulation (EU) No 1060/2010 of 28 September 2010 supplementing Directive 2010/30/EU of the European Parliament and of the Council with regard to energy labelling of household refrigerating appliances

(1) Question on displaying of products at trade fairs (09-2011)

Do products displayed at trade fairs need to bear the energy label according to Article 4 of Regulation 1060/2010?

(1) Answer on displaying of products at trade fairs

The regulation requires dealers to ensure that each household refrigerating appliance bears the label at the point of sale. In cases where end-users cannot purchase, hire or hire-purchase products at a fair, there is no obligation for such products to bear the energy label.

(2) Question on how to distinguish between household and professional refrigerating appliances ((09-2011, updated 01-2014)

The Regulation establishes requirements household refrigerating appliances, but how should the distinction be made between household refrigerating appliances and professional refrigerating appliances?

(2) Answer on how to distinguish between household and professional refrigerating appliances

Since there are no technical criteria for this distinction referred to in the Regulation, the intended use is the relevant criterion. The intended use is determined by the manufacturer.

(3) Question on packaged products (09-2011)

Is a packaged household refrigerating appliance at the point of sale a product that needs to bear the energy label?

(3) Answer on packaged products

Packaged household refrigerating appliances at the point of sale need to bear a label. There is no requirement to stamp label on the package, but it has to be clearly visible on the outside of the front or top of the appliance. If the products are stored in a warehouse, there is no need that these products bear a label. Usually there is one product that is displayed as a model at the point of sale; the other models of the same series are stored in a warehouse. If a dealer decides to have all products displayed at the point of sale, then there needs to be a label on each product.

(4) Question on minibars (01-2014)

It is unclear to some suppliers whether regulation 1060/2010 applies to Minibars used in hotels etc.. The regulation has two ways to distinguish cold appliances used for the sale of food and drinks from household appliances: 1) Definition of household refrigerating appliance in Art. 2: “intended for refrigerating or freezing foodstuffs, or for the storage of refrigerated or frozen foodstuffs for non-professional purposes,” and 2) the exemption defined in Art. 1, (3) d, which excludes appliances that are technically more like vending machines.

(4) Answer on minibars

The issue of whether minibars are covered by Regulation 1060/2010 is not related to the question whether they are used for commercial purposes. The regulation makes no reference to commercial refrigeration, but some specific commercial refrigeration products are excluded from the regulation through Article 1(3)(d) and 1(3)(e). Therefore, the regulation applies to

minibars, including in hotels, as long as the products are for non-professional use (products for professional use are excluded by Article 1(2) and 2(2)).

(5) Question on positioning of the label (09-2014)

Refrigerators have to display the label at the front side. Is it allowed to show the label as a badge attached to the handle (which is at the front of the appliance), in contrast to being stuck on the front surface?

(5) Answer on positioning of the label

If clearly visible, then attached to the handle (on the front) is sufficient.

(6) Question on wine storage appliances (09-2014)

According to Annex VI, point 3(j) the humidity of wine storage appliances shall be measured in order to establish whether the product is compliant or not. The prescribed humidity for wine storage appliances is given in Annex I, point 1 (iii) as an interval: 50% - 80% relative humidity. In Annex VII, table 1 of regulation 1060/210 it is specified for wine storage appliances: *The measured value for the relative humidity shall not exceed the nominal range by more than 10%*. Thus, when the authority perform compliance checks of wine storage appliances, the allowed relative humidity has to be within the range from 50% up to 80% plus 10% of 80%, which means that the acceptable interval of relative humidity, when measured by the market surveillance authority is 50% to 88%. Is this correct?

(6) Answer on wine storage appliances

In fact, the tolerance applies to both ends of the range and the acceptable interval is thus 45-88%.

(7) Question on sound measurements tolerances (04/2017)

Annex VII, table 1 of the regulation states that there is no tolerance on the declared sound level. When measuring this parameter, there is always a degree of uncertainty in the measured value. How should this uncertainty be handled?

(7) Answer on sound measurements tolerances

Parameters without tolerance values should be reviewed during the revision of the regulation 1060/2010 in order to evaluate whether tolerances values can be added. In other regulations, tolerances of zero, 1.5 and 2dB are used. Until a revision is published, a zero tolerance should be used.

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

(1) Question on measurement of noise level (10-2015)

For washing machines Energy Labelling Regulation 1061/2010/EU stipulates requirements on noise declaration and defines the verification procedure for noise. In the Annex V it is stated that "Member State authorities shall use reliable, accurate and reproducible measurement procedures, which take into account the generally recognised state-of-the-art measurement methods, including methods set out in documents the reference numbers of which have been published for that purpose in the Official Journal of the European Union". The same Annex stipulates that for verification of airborne acoustical noise emission "the measured value shall meet the rated value.". For noise, EN 60704 is the standard for measurement. This standard consists of 3 parts - 60704-1, 60704-2, 60704-3 - of which only for EN 60704-2-6:2012 references are published in the Official Journal of the European Union in relation to Regulation 392/2012/EU. EN 60704-3 includes a procedure for verification. What verification procedure would apply in order to verify noise declarations of washing machines: the verification procedure specified in the Regulation 1061/2010/EU or the verification procedure prescribed in the EN 60704-3?

(1) Answer on measurement of noise level

The procedure in Regulation 1061/2010 applies. If there is a conflict between the Regulation and any standards, the Regulation takes precedence.

(2) Question on multi-drums washing machines (11-2016)

Are multi-drums washing machines covered by the Regulations and if so, how?

(2) Answer on multi-drums washing machines

The multi-drums washing machines currently reaching the EU market are basically multi-drums in separate units or multi-drums in one casing machine. The ecodesign delegated acts on washing machines currently do not contain specific provisions for these kinds of washing machines (when reviewing the regulations such specific provisions will be considered).

Multi-drums in separate units

In these machines, the main drum part can be completed optionally with separate extensional units ('modules'), which may or may not be able to operate individually without the main unit.

The main unit of this type of multi-drums washing machine is clearly in the scope of the ecodesign and energy labelling legislation. However, there is some uncertainty concerning the coverage of the additional washing modules.

Different cases should be considered:

- If the additional washing module is not capable of functioning as a stand-alone unit (i.e. physically separated from the main unit) and has a limited number of washing programmes that are not able to clean normally soiled cotton laundry or similar fabric/textile (and thus not suitable for common use and associated programme cycles used for determination of compliance), then **this module cannot be considered as a separate washing machine** but as a functional complement to a primary washing machine appliance (and the primary washing machine appliance is subject to the ecodesign delegated acts 1015/2010 and 1061/2010). **This washing module is not**

subject to power consumption, washing performance or other requirements of the regulations. With the aim to consider individually the main drum disregarding any synergetic effects from multi-drum operation, the module should be deactivated when assessing the compliance of the primary washing machine with the ecodesign and delegated acts:

- by means of selection knobs, if this is feasible, or
 - by physically disconnecting it from the primary washing machine.
- If the washing module is not capable of functioning as a stand-alone unit but it is able to clean normally soiled cotton laundry or similar fabric/textile, then **this module should be considered as a separate washing drum** which should have the programme cycles used for the determination of compliance (i.e. programme cycles for cleaning normally soiled cotton laundry at 40°C and 60°C, as mentioned in the booklet of instructions provided by the manufacturer) and comply with the ecodesign and the energy labelling requirements. In this case, the main drum and the additional washing module should be considered individually and separately disregarding any synergetic effects from multi-drum operation. **Each drum should comply individually and separately with the ecodesign and the energy labelling requirements** (including a label for each drum).
 - If the module is capable of functioning as a stand-alone unit, then **it should be considered as a washing machine and should comply with the ecodesign and the energy labelling requirements.**

Multi-drums in one casing machine

In these machines, different drums are located within one casing and have the possibility to share the use of the same internal components and resources. See below an example of such a machine.



There are *a priori* various possibilities to deal with these machines and to apply the ecodesign and energy labelling requirements, as for instance:

- To consider only the main drum;
- To deal with each drum individually and separately;

- To consider the adding performance of all drums running at the same time one single 'standard cotton programme';
- To consider the weighted average performance (energy efficiency index, washing performance, noise, remaining moisture content) of the various drums to determine a single level of performance for the complete machine (for which the rated capacity, energy and water consumption have been summed up);
- To combine some of these approaches.

Each drum could, *a priori*, fall under '*an automatic washing machine which cleans and rinses textiles using water which also has a spin extraction function*', the definition of household washing machine in the ecodesign and energy labelling legislation.

For that reason, it appears reasonable to consider individually and separately the various drums disregarding any synergetic effects from multi-drum operation. **This would imply that each drum should comply individually and separately with the ecodesign and the energy labelling requirements** including a label for each drum (see the similarity to domestic ovens with different cavities for which separate labels are issued for each cavity) and the availability for each drum of the standard programme cycles used for cleaning normally soiled cotton laundry at 40°C and 60°C (which should be indicated in the booklet of instructions provided by the manufacturer).

However, if one of the drums has a limited number of washing programmes that are not able to clean normally soiled cotton laundry or similar fabric/textile (and thus not suitable for common use and associated programme cycles used for determination of compliance), then **that drum cannot be considered separately** and should be considered as a functional complement to a primary drum (and the primary drum is subject to the ecodesign and energy labelling delegated acts 1015/2010 and 1061/2010). **This secondary drum is not subject to power consumption, washing performance or other requirements of the regulations.** With the aim to consider individually the main drum disregarding any synergetic effects from multi-drum operation, the complementary drum should be deactivated by means of selection knobs when assessing the compliance of the primary washing machine with the ecodesign and energy labelling delegated acts.

In the case where multiple drums are suitable for cleaning normally soiled cotton laundry or similar fabric/textile, but there is no possibility to run them separately, only in parallel, then all such drums should be considered as one single washing machine in which the 'standard cotton programme' should cover all such drums. One single energy label should cover this multiple-drum washing machine. The ecodesign requirements for energy and water consumption should be met by multiple-drum washing machine as a whole. The energy and water consumption of the overall washing machine should be evaluated as the total performance of all those drums (summing up rated capacity and considering overall energy and water consumption). The Energy Efficiency Index (EEI) should be calculated considering the overall rated capacity and energy consumption, and the related low mode powers. For the spinning performance, the weighted average (according to each drum load capacity) should be considered. Each drum should, however, comply individually and separately with minimum washing performance requirements according to individual load capacity of the drums.

Finally for information, current standards are able to perform tests on the various drums of the multi-drums machine.

Commission Delegated Regulation (EU) No 1062/2010 of 28 September 2010 supplementing Directive 2010/30/EU of the European Parliament and of the Council with regard to energy labelling of televisions

(1) Question on visible screen area (04-2015)

What is the exact meaning of „visible screen area” in Annex II paragraph 2. Should it be read as whole screen area seen by the viewer or only as the part which actively displays the image? Sometimes part of the screen on the edges has a shape of a black frame, and do not display anything, however it is on the screen itself.

(1) Answer on visible screen area

"Visible screen area" refers to the area where pictures and videos are displayed, so the area with pixels. A framework of glass, plastic or metal outside the pixel area does not count as visible screen area.

(2) Question on product fiche (04-2015)

Can the information indicated in paragraph 1 of Annex III given in different order than set out in the Regulation be considered as product fiche?

(2) Answer on product fiche

The Regulation text does not leave room to interpretations on this point: "The information in the product fiche of the television shall be provided in the following order" (emphasis added)

(3) Question on measuring screen diagonal (04-2015)

i) What is the proper procedure to measure the screen diagonal? Should the screen diagonal be considered as distance from the corners of TV's frame? ii) How big is the tolerance? Should the diagonal indicated on the label be round to a full number or can it be indicated with higher accuracy?

(3) Answer on measuring screen diagonal

i) The distance between corners of the visible area. For curved displays, the measuring tool should adhere to the screen (so no Laser/LED beam meters can be used). ii) no tolerance value is set in the Regulation, so "common sense" should be used. Rounding at the corner measuring point should be to the nearest centimetre calibration on the measuring tool.

Commission Delegated Regulation (EU) No 626/2011 of 4 May 2011 supplementing Directive 2010/30/EU of the European Parliament and of the Council with regard to energy labelling of air conditioners

(1) Question on tolerances (10-2015)

The regulation does not define a tolerance on the declared capacity to be accepted by the authorities when evaluating measurement results. However, authorities have already seen measurement results where the measured capacity is very much lower than declared by the producer. Since the product capacity is used to calculate the efficiency values, SEER and SCOP, should the value of the measured capacity be used to calculate the SEER/SCOP-values obtained in the verification measurement?

(1) Answer on tolerances

Yes, the SEER / SCOP are to be calculated with the measured capacity, because you are measuring the “real” SEER / SCOP, not the declared one; in consequence, there is an indirect tolerance on the capacity.

(2) Question on online label requirements for air-to-air heat pumps (11-2016)

When selling air-to-air heat pumps from a webshop, the dealer is obliged to show the energy label or - since most webshops do not have sufficient space to do so - they have to display an arrow in the right colour and stating the energy class used for accessing the full picture as nested display. However, air-to-air heat pumps have two energy classes, one for cooling and one for heating. Which energy class has to be displayed in the webshop?

(2) Answer on online label requirements for air-to-air heat pumps

As the 'nested display' referred to in Annex IX of Regulation 626/2011 (introduced by Regulation 518/2014) is optional, it is possible for dealers to avoid this issue and display the label directly, not using nested display. Given that this may require more screen space (cf. recital 6 of Regulation 518/2014) the option of nested display is nevertheless also available for air-to-air heat pumps. Given that the energy class of the most common purpose (heating or cooling) of the heat pump is the most useful for the consumer, the nested display image should correspond to that class.

(3) Question on testing of sound power level of heat pumps (11-2016)

Sound power level has to be measured at “standard rating conditions”. However, these conditions do not seem to be relevant after the implementation of the seasonal performance efficiency, SCOP and use of the standard EN 14825 instead of EN 14511.

Standard rating conditions are defined as:

Table 14 — Air-to-water and air-to-brine units - Heating mode (High temperatures)

		Outdoor heat exchanger		Indoor heat exchanger High temperature applications	
		Inlet dry bulb temperature °C	Inlet wet bulb temperature °C	Inlet temperature °C	Outlet temperature °C
Standard rating conditions	Outdoor air	7	6	47	55
	Exhaust air	20	12	47	55

Further, this instruction does not reflect the development that most heat pumps of today are frequency controlled and no longer simply on/off-regulated.

Consequently, the producer chooses which frequency/capacity the heat pump has to run, when measuring sound power level. This means that producers can choose the measurement to be carried out at the lowest possible frequency – and hence there will be no relation between the rated capacity and efficiencies and the stated sound power level. In fact, the rated value is misleading. A number of consumer complaints show, that the current practise leads to wrong assumptions regarding the real sound power level of the heat pump in practice.

The capacity and/or frequency to be used during determination of sound power level is not defined in neither regulation nor standard.

A heat pump in a certain region could run a major part of the year at 2°C outdoor temperature, and hence this could be a more realistic condition to determine the sound power level.

What should be the frequency/capacity to use during the measurement?

(3) Answer on testing of sound power level of heat pumps

Note that the values for the outdoor heat exchanger shown in table 14 above are compatible with the standard rating conditions for the heating function for non-single duct air conditioners in table 2 of Annex VII of Regulation 626/2011.

If certain parameters for testing are not specified the applicable harmonised standard, they should be chosen according in line with the requirement in point 1 of the annex on measurements and calculations "by a reliable, accurate and reproducible method, which takes into account the generally recognised state of the art methods, and whose results are deemed to be of low uncertainty". Testing sound power level at extreme operating parameters that do not reflect the general use of the product is not state of the art, unless it would be the only current way to ensure a reliable, accurate and reproducible method.

As regards capacity Regulation 811/2013 specifies in point 4(a) of Annex VII that "the same declared capacity [as] for heating shall be used".

Commission Delegated Regulation (EU) No 392/2012 of 1 March 2012 supplementing Directive 2010/30/EU of the European Parliament and of the Council with regard to energy labelling of household tumble driers

(1) Question on testing program (04-2012)

What program should be chosen when testing combined washing- and drying machines. Should it be the automatic or non-automatic program?

(1) Answer on testing program

According to the standard if the dryer has an automatic program for the cupboard dry cotton textiles then this must be used when testing.

(2) Question on measurement of noise level (10-2015)

Regulation 392/2012/EU stipulates requirements on noise declaration and defines the verification procedure for noise. In the Annex V it is stated that "For the purposes of compliance and verification of compliance with the requirements of this Regulation, measurements and calculations shall be made using harmonised standards the reference numbers of which have been published in the Official Journal of the European Union, or other reliable, accurate and reproducible methods, which take into account the generally recognised state of the art methods, and whose results are deemed to be of low uncertainty". The same Annex stipulates that for verification of sound power level LWA "the measured value shall not be greater than the rated value." For noise, EN 60704 is the standard for measurement. This standard consists of 3 parts - 60704-1, 60704-2, 60704-3 - of which only for EN 60704-2-6:2012 references are published in the Official Journal of the European Union in relation to Regulation 392/2012/EU. EN 60704-3 includes a procedure for verification. What verification procedure would apply in order to verify noise declarations of tumble driers: the verification procedure specified in the Regulation 392/2012/EU or the verification procedure prescribed in the EN 60704-3?

(2) Answer on measurement of noise level

The procedure in Regulation 392/2012 applies. The procedure in EN 60704-3 is not included in the citation of harmonised standards for Regulation 392/2012. The citation refers to EN 60704-2-6:2012, but it specifically mentions that the clause that cross-references to EN 60704-3 is not part of the citation: "Clause 1.101 on standard deviation for declaration and verification is not part of the present citation."

Commission Delegated Regulation (EU) No 874/2012 of 12 July 2012 supplementing Directive 2010/30/EU of the European Parliament and of the Council with regard to energy labelling of electrical lamps and luminaires

(1) Question on lamps and LED modules with luminous flux of less than 30 lumen (11-2012)

It is stipulated in Article 1.2a) that lamps and LED modules with a luminous flux of less than 30 lumen shall be excluded from the scope of the regulation. Does this mean that it does not matter how many lamps the luminaire has as long as all of them separately have a luminous flux of less than 30 lumen? If the lamps are attached to a luminaire and are not exchangeable are you then supposed to add the lamps luminous flux together to see if the requirements (less than a luminous flux of 30 lumen) are met?

(1) Answer on lamps and LED modules with luminous flux of less than 30 lumen

LED modules not intended to be removed by the end-user from the luminaire do not need to be labelled at all (Article 2(d)). It is the luminaire itself which will get the luminaire label, regardless of its light output or that of its LED modules. The label for LED luminaires only shows that the incorporated lamps are LEDs and that they belong to classes A to A++, without more precise allocation, and without any testing to be done other than checking that the included light sources are indeed LEDs. When LED modules are sold as spare parts, they have to be labelled and they are indeed excluded under 30 lumens. This is coherent with the exclusion of other replacement lamps under 30 lumens, which could equally be present in a luminaire in high quantities, adding up to substantial light output.

(2) Question on relevant language version (11-2012)

The regulation states that the language on the label shall be the “relevant language version” (annex I point 2(1)), but what is considered a relevant language in, for example, Sweden? Is it allowed to write in English? Is some kind of “Scandinavian” (i.e. mixes of languages) allowed? Is it possible for a Member State to regulate what is considered a “relevant language”?

(2) Answer on relevant language version

Member States are not expected to regulate what is meant by "relevant language" specifically for the luminaire labels. Because this concerns a regulation, there is no transposition into Member State legislation, and therefore *a priori* it would not be correct to set the rules on the language regime for labelling as specific implementation of this Regulation. However, the general wording of annex I point 2(1) of Regulation 874/2012 means that national laws related to the selling of goods apply for which of the official languages of the European Union is/are the relevant language(s).

(3) Question on exempted lamps (05-2013)

Is there an error in Article 1.2(f)? Should the clause read as follows? 'lamps and LED modules that do not need to comply with eco-design requirements becoming applicable in 2013 and 2014 according to Regulations implementing Directive 2009/125/EC of the European Parliament and of the Council'

Under EU/1194/2012 the eco-design of directional lamps and LEDs (*lamps eco-design regulations*) coloured directional lamps and LED lamps are generally considered special purpose lamps (Article 2.4(b)). They have no eco-design requirements but do have information requirements. However, the lamp labelling regulations does not have the

exclusions relating to certain types of special purpose lamps identified under *lamps eco-design regulations* Article 2.4(b) and Article 2.4(c).

Therefore, due to the need for certain lamps to meet marking requirements only it would appear that these lamps must be efficiency tested and labelled, although they do not need to meet any eco-design requirements. This may cause some problems where technology limitations do not allow certain coloured LEDs to meet the minimum marking allowable by lamp labelling regulations of an “A” rating.

An example of a red LED lamp is:



Does this lamp require an energy label even though it has no eco-design requirements under the *lamps eco-design regulations*?

If the above lamp does need a label can the banding for LEDs be expanded above ‘A’?

(3) Answer on exempted lamps

Article 1.2.(f) of Regulation (EU) No. 874/2012 is correct. The intention of this exemption clause is that products which will be phased-out in 2013 or 2014 anyway do not need to have a label.

It is therefore correct that the scope of the products covered under the energy labelling and ecodesign regulations are different. Therefore, coloured LED lamps might not need to fulfil efficiency requirements, but need to have an energy label according to 874/2012. Furthermore, this regulation foresees an energy label up to class 'A++', hence a LED can be labelled above class 'A' if they fulfil the requirements.

(4) Question on display of kWh (01-2014)

The energy label according to regulation EU 874/2012 contains information of power consumption rounded up to the next integer. This puts small lamps at a disadvantage. Example: An LED lamp with power 2.1 W would have to be shown with a label saying 3 kWh/1000h. Will the declaration of a calculation to one decimal place be tolerated?

(4) Answer on display of kWh

Regulation 874/2012 clearly states in Annex I.(2).IV that the power needs to be rounded up to the nearest integer, leaving no room for interpretation.

(5) Question on luminaire label (01-2014)

In the case that only one kind of LED with available efficiency information is built into a luminaire, it could happen that a manufacturer would like to indicate this information. Is it possible to give this information or is this not compatible with 874/2012? The text foresees the indication of range A++ to A.

(5) Answer on luminaire label

In the case of a built-in LED module not intended to be replaced, the luminaire label needs to contain a bracket from A to A++ as indicated in the figures of Annex I.2.(3).(b)-(d).

(6) Question on presented model (01-2014)

What is the exact definition for “presented model” of luminaires? Does it really mean only the luminaires without packaging, which will be presented to the end consumer or/and does it mean a luminaire, which will be presented in a packaging for end consumer?

(6) Answer on presented model

Each luminaire presented at a point of sale, i.e. being made visible to a customer either in a package or unpacked, is considered a "presented model".

(7) Question on Lighting Europe Guidance document (01-2014)

The industry association Lighting Europe has published a guidance document for regulations 874/2012 and the Ecodesign regulations for lighting. It is alleged that it has been endorsed by the Commission. What is the status of this document?

(7) Answer on Lighting Europe Guidance document

Lighting Europe developed their guidance document on their own and asked the Commission to check a draft version of the document for correctness. The Commission's reply was that while no factual mistakes seemed to be apparent in that version, the Commission cannot and will not approve or validate such guidance document. The Commission does not acknowledge or endorse any guidance document by third parties, and therefore stresses that these do not allow any legally binding interpretation.

(8) Question on luminaire label on packaging (01-2014)

There is according to the Regulation no possibility to have the luminaire label on the packaging, however, many retail chains do not want to buy luminaires from manufacturers if the label is not on the packaging. They have stated that this is because they do not have enough personnel in the stores who can ensure that the label otherwise exist at the point of sale. Lighting Europe has in their Q&A stated that a label on the luminaire packaging should be regarded as compliant.

(8) Answer on luminaire label on packaging

Each luminaire model must be accompanied by a luminaire label (see Article 4.2.(b)), and be in proximity to the displayed luminaire. Hence, it is acceptable if the luminaire label is printed on each products packaging. The label, however, must also be in proximity to the luminaire and/or clearly accompanying the most directly-visible information of the luminaire model presented to consumers at a point of sale (e.g. in a showroom presenting different models) as stipulated in Article 4.2.(b).

(9) Question on number of labels and supplier's model identifier (09-2014)

a) Is it possible to have more than one “supplier model identifier” according to Annex I, 1. (2) II.? E.g. A manufacturer that sells three almost identical products – is there really a reason to create three different types of label if they all have the same energy efficiency? Is there a difference if the product is a luminaire?

b) If there is more than one lamp in a luminaire, how many labels need to be provided?

(9) Answer on number of labels and supplier's model identifier

a) The supplier's model identifier is required on the label for each specific lamp model the label is provided with (see Annex I.1.(2).II). If a manufacturer produces slightly different models which have different ID numbers, these are different, specific lamp models, which need to present different supplier's model identifiers on the label. However, instead of

creating several different labels, a manufacturer may also choose to omit the supplier model identifier from the label if that information is printed somewhere else on the packaging (see Annex I.1.(3)). The same rule applies for the luminaire label (see Annex I.2.(2).II), except that for luminaires the Regulation does not offer the possibility to omit the supplier's model identifier.

b) One luminaire label needs to be provided. The different variants of the label provide for this and it is indicated what is required in case of multiple lamps in the luminaire, e.g. point 2(2).V.(a) of Annex I. In addition, for each type of lamp included in the luminaire that the end-user can replace, the original packaging of those lamps has to be included in the luminaire's packaging or the outside or inside of the luminaire packaging must present, in some other form, the information required to be on the lamps' original packaging.

(10) Question on 'original packaging of lamps' (09-2014)

What is the exact definition of "original packaging of lamps"? Does it mean that the original packaging is the same packaging which is used to sell only the lamp to the end consumer or is it possible that the original packaging of a lamp which is sold together with the luminaire can deviate from the lamp packaging which is sold directly to the end consumer? Lamp packages which will be sold directly to the end consumer are made of different materials and are printed with several kinds of colours compared to lamp packages which will be sold together with luminaires. Some lamps are only sold to luminaire manufacturers. An alternative lamp packaging, which will be sold to the end consumer together with the luminaire, could be a simple white folding box, on which are printed all relevant data, which will be required by laws, directives, etc. This packaging will deviate from a packaging which is intended for the end consumer. Does such a simple lamp packaging comply with "original packaging" as meant by the directive 874/2012?

(10) Answer on 'original packaging of lamps'

"Original packaging of lamps" refers to a packaging of the lamp by manufacturers or dealers, which fulfils all necessary legal requirements so that if the lamp would be sold as an individual product it would be compliant.

(11) Question on where the consumer is not expected to see the luminaire displayed (09-2014)

Is the supplier/dealer required to provide a complete label in catalogues etc.?

(11) Answer on where the consumer is not expected to see the luminaire displayed

For advertisements and technical promotional material, the requirements are defined in Article 3(2)(b) and 4(2)(a): all the information contained in the label must always be provided, but not necessarily in form of the label (even the pictograms can be explained fully textual according to Article 4.2.(a)).

(12) Question on online label requirements for luminaires (09-2014, updated 10-2015)

There is a gap in regulation 518/2014 covering internet energy labelling amending regulation 874/2012. The regulation requirements work successfully with the lamp label, however there is a problem with the luminaire labels. Most luminaires do not have one efficiency class in regulation 874/2012, but a range of classes of compatible lamps and/or the "LED bracket" respectively. In many cases it is therefore unclear how to design the arrow symbol that must link to the complete label on the website. The problematic detail is in Annex VII of regulation 518/2014, which is to become the new annex VIII of regulation 874/2012:

"(3) The image used for accessing the label in the case of nested display shall:

(a) be an arrow in the colour corresponding to the energy efficiency class of the product on the label;

(b) indicate on the arrow the energy efficiency class of the product in white in a font size equivalent to that of the price;”

The problem being that there is no (single) efficiency class of the luminaire.

(12) Answer on online label requirements for luminaires

As the 'nested display' referred to in Annex VIII of Regulation 874/2012 (introduced by Regulation 518/2014) is optional, it is possible for dealers to avoid this issue and display the label directly, not using nested display. Given that this may require more screen space (cf. recital 6 of Regulation 518/2014) the option of nested display is nevertheless also available for luminaires. Considering the aim of Regulation 874/2012 for luminaires to drive compatibility with lamps of higher label classes, the nested display image should indicate the highest compatible class of the luminaire. In determining the highest compatible class any indication on the label of built-in non-replaceable LED modules (indicated with a 'LED' bracket over classes A++, A+ and A) should be considered as A+, since it is not possible to verify the actual class of the built-in LEDs. The energy class(es) of any bulbs sold with the luminaire do(es) not affect the determination of the class to be indicated on the nested display image. The Commission intends to address this issue further in the review of Regulation 874/2012.

(14) Question on luminaire label in multiple languages (09-2014)

Is it allowed to design the energy label for luminaires in 3 languages? The regulation does not indicate that it is not allowed to have labelling in several languages. It refers to the “relevant language version”, and in some markets more than one language may be relevant. Is it correct that if there is no change to the layout of the label except providing more space for text by using more than one language the label can be in considered to be in conformity with regulation 874/2012?

(14) Answer on luminaire label in multiple languages

See also answer on question no 2 on 'relevant language version'. If according to national laws related to the selling of goods more than one official language of the European Union are the relevant languages, suppliers should make sure the label itself does not get altered: there should be no reduction in the size of defined elements of the label. However, the overall size label can be increased for this purpose since point (4)(a) of part 2 of Annex I specifies that the label version shall be at least 50 mm wide and 100 mm high.

(15) Question on stage lighting (04-2015)

Stage lighting is generally considered to fall under the definition of special products in Regulation 1194/2012. However, in Regulation 874/2012 the scope of special applications is more strictly defined than in Regulation 1194/2012, with e.g. lighting show effects as an application not being a cause for exclusion. In Regulation 874/2012 these lamps are therefore not a special product and must be labelled. According to the interpretation given by LightingEurope, lamps with a lumen output of more than 12000 lm do not fall under Regulation 874/2012, because they are obviously not meant for end users. Is this correct?

(15) Answer on stage lighting

Products not excluded in Regulation 874/2012 must bear the label. Ecodesign and Energy Labelling are separate policies and regulated through different and independent Directives and Regulations. Inferring a reduction of the scope of regulatory act based on a legally unrelated other regulatory act is not possible. Citing other regulatory acts could be used as basis to support certain argumentation, but cannot replace the detailed, product specific evaluation for each product. There might well be lamps with 12000 lm or more light output intended to be marketed through a point of sale, in which case they will need to be labelled.

(16) Question on luminaire label in black and white (04-2015)

Question and answer no. 8 clarify that it is allowed to put the luminaire label on the luminaire packaging. When this is allowed, is it then possible to use energy labels in for example black and white according to (see 874/2012, Annex I point 1(3)) if the other requirements are to be found on the product packaging?

(16) Answer on luminaire label in black and white

Annex I.1.(3) applies to the lamp label only. There are no similar provisions for the luminaire label. Hence the label needs to be shown according to Annex I.2. There, no black and white version is foreseen. The reason for allowing a "reduced" lamp label is that these are sometimes only shipped in small and black/white boxes where forcing a large coloured label could increase overall prices significantly. This is usually not the case for much larger and more expensive luminaires.

(17) Question on online labels (04-2015)

Is it authorized to use the labels in Regulation 874/2012, Annex I p.1 (3) to fulfil the requirements for Regulation 518/2014?

(17) Answer on online labels

Regulation 518/2014 specifies for lamps: "The appropriate label made available by suppliers in accordance with Article 3(1)(f) [...] shall be shown on the display mechanism [...]". Article 3(1)(f) specifies that "an electronic label in the format and containing the information set out in point 1 of Annex I is made available to dealers for each lamp model placed on the market [...]" which dealers have to display on the internet. Point 1(1) of Annex I indicates "[...] if [the label] is not printed on the packaging.." whereas point 1(3) indicates "If the label is printed on the packaging ..". Only point 1(1) is relevant in the case of distance selling and thus the labels in Regulation 874/2012, Annex I p.1 (3) cannot be used to fulfil the requirements for Regulation 518/2014 for lamps.

(18) Question on advertisements for luminaires (10-2015)

According to article 4.2 dealers are obliged to give:

(a) the information contained in the label in accordance with Annex I.2 is provided in the following situations:

(i) in any advertisement, formal price quote or tender offer disclosing energy-related or price information for a specific luminaire;

Can the described approach indicated above in question and answer no. 12 be used for stating A+ for these products also towards advertisements?

(18) Answer on advertisements for luminaires

No, in these cases the regulation specifies that the full information should be provided, i.e. the range of compatible energy efficiency classes.

(19) Question on electrical lamps and luminaires sold to lighting professionals (04/2017)

Energy labelling requirements apply to lamps listed in Article 1.1 (a) to (d), and to luminaires that are designed to operate these electrical lamps and that are marketed to end-users. End-user is defined in Article 2.28: 'End-user' means a natural person buying or expected to buy an electrical lamp or luminaire for purposes which are outside his trade, business, craft or profession;

If a luminaire is marketed to a company or a professional end-user, is it exempted from energy labelling requirements?

(19) Answer on electrical lamps and luminaires sold to lighting professionals

The definition of end-user does not include legal persons or natural persons who buy or can be expected to buy an electrical lamp or luminaire for purposes related to his trade, business, craft or profession. Based on this, one concludes that luminaires that are marketed to companies or professional end-users are not subject to energy labelling requirements.

However electrical lamps that are bought or can be expected to be bought from companies or lighting professionals are not excluded from energy labelling requirements. Moreover it follows from Article 1.2 d that the exception that applies to luminaires also applies to lamps and LED modules that are sold with a luminaire and that cannot be replaced.

Commission Delegated Regulation (EU) No 665/2013 of 3 May 2013 supplementing Directive 2010/30/EU of the European Parliament and of the Council with regard to energy labelling of vacuum cleaners

(1) Question on rated input power (09-2014)

Stakeholders have alleged that a vacuum cleaner might have more than one 'rated input power' and have asked whether it is possible to declare two different energy labels in case the vacuum cleaner has two input power levels.

(1) Answer on rated input power

The rated input power is not used as such for establishing the energy label. The vacuum cleaner is to be set at the maximum suction setting (Annex VI section 2 (a) and (c)) and then the average power has to be measured (Annex VI section 3). This average power will probably, but not necessarily, be somewhat below the rated input power.

(2) Question on nozzles (09-2014)

The question concerns vacuum cleaners supplied with more than one nozzle. Which nozzle should the energy label be based upon, as the regulation does not fully specify which nozzle shall be used for establishing the label classes?

(2) Answer on nozzles

The regulation does not specify this issue – except where it concerns battery operated active nozzles. The guidelines for vacuum cleaners specify the choice of nozzle and request manufacturers to indicate in the technical documentation which nozzle was used for testing:

"Some vacuum cleaners have more than one detachable nozzle, for example providing the consumer with a universal nozzle (for both carpets and hard floor) and one or more nozzles for special purposes. For such cases the regulations do not specify which nozzle has to be used for testing to verify compliance with ecodesign requirements and for establishing the label classes (except that where the vacuum cleaner is equipped with battery operated active nozzles, the regulations specify that the average power equivalent of battery operated active nozzles has to be taken into account).

Therefore, if more than one nozzle is provided with the vacuum cleaner, manufacturers/suppliers are requested to indicate in the technical documentation which nozzle was used for the test on hard floor and on carpet, respectively. The nozzle used in the test should be a nozzle that is delivered with the vacuum cleaner and that is suitable for the floor type in question and one that is recommended for such floor type in the user manual. If a battery operated nozzle is supplied with the vacuum cleaner, this should be used for the tests if it is suitable for the floor type in question.

For tests on carpet, the same nozzle should be used to establish the dust pick-up on carpet, the average specific energy consumption on carpet and the sound power level. For tests on hard floor, the same nozzle should be used to establish the dust pick-up on hard floor and the average specific energy consumption on hard floor. If a nozzle is suitable for both carpet and hard floor, that nozzle may be used in all these tests."

(3) Question on supplier's name/ trade mark (04-2015)

In the different labels for vacuum cleaners information such as the supplier's name or trade mark shall be included in the label. For the lamp label this information is allowed to be taken away from the label if this information is to be found somewhere else on the packaging (Regulation 874/2012 Annex I (3)). Is it OK for the supplier to leave out this information as

the vacuum cleaner label as well? Might it not be considered unfair competition if this is not also allowed on this label?

(3) Answer on supplier's name/ trade mark

No, the energy label for lamps is distinctly different from the other energy labels due to the nature of the product (notably size): it allows the label to be placed or printed on, or attached to, the outside of the individual packaging. This is not the case for other products such as vacuum cleaners. There is no issue of unfair competition, because these products do not compete with each other, i.e. one would not ask themselves a question such as "Should I spend this 10€ on a lamp or a vacuum cleaner?".

Commission Delegated Regulation (EU) No 811/2013 of 18 February 2013 supplementing Directive 2010/30/EU of the European Parliament and of the Council with regard to the energy labelling of space heaters, combination heaters, packages of space heater, temperature control and solar device and packages of combination heater, temperature control and solar device

(1) Question on packages (04-2015 updated 11/2017)

If an installer combines a package of products on site, are they obliged to present a package label? When a package of space heater, temperature control and solar device is placed on the market and/or put into service by a supplier, the supplier shall ensure that a so called package label for the package is provided with the package (Article 3, point 5). Also dealers of packages shall ensure that offers, marketing and advertisement of packages display the package label or the information on the package label (Article 4, point 3). But what if an installer combines a package within the scope of the regulation at the customer's site, possibly with parts from different suppliers/dealers? Is the installer then to be seen as a supplier who has an obligation to make a package label for the combination installed? The regulation does not mention installers and the role of installers.

(1) Answer on packages

The regulation does not refer to 'installer', but it does refer to 'dealer'. A package label has to be provided by the dealer defined in the Energy Labelling Regulation as “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”. If the person installing the product is doing any of these, he/she will be considered the “dealer” and the package label is required.

(2) Question on class in advertisement and promotional material (10-2015)

According to the regulations, a reference to the seasonal space heating energy efficiency class under average climate conditions for that model shall be included in advertisement and technical promotional material. Which energy efficiency class is to be indicated; the one for medium temperature applications or for temperature applications?

(2) Answer on class in advertisement and promotional material

Since the medium temperature applications is the most common one, it is the intention of the legislation that for this application the energy class should be displayed in advertisements and technical promotional material. Also both classes may be indicated if it is clearly indicated which class belongs to which temperature application.

(3) Question on class for package label (10-2015)

Which seasonal space heating energy efficiency class shall be used on the space heater package label of point 3 of Annex III of Regulation 811/2013 – the one for low-temperature application (35°C) or for the medium-temperature application (55°C)?

(3) Answer on class for package label

The seasonal space heating energy efficiency class for the medium-temperature application (55°C) should always be displayed on the space heater package label, except for low-temperature heat pumps, i.e. when the package label is accompanied with the label of section 1.1.4 or 1.2.4 of Annex III. In those cases, but only then, the seasonal space heating energy efficiency class for the low-temperature application shall be displayed. If both seasonal space heating energy efficiency classes are shown on the product label (section 1.2.3 or 2.2.3) the one for the medium-temperature application should be displayed on the package label.

(4) Question on class for combination heaters package label (10-2015)

Which seasonal space heating energy efficiency class shall be used on the combination heater package label of section 4 of Annex III of Regulation 811/2013 – the one for low-temperature application (35°C) or for the high temperature application (55°C)?

(4) Answer on class for combination heaters package label

The seasonal space heating energy efficiency class for the medium-temperature application (55°C) should always be displayed on the combination heater package label.

(5) Question on energy classes for packages (10-2015)

Is it enough to include information on the energy efficiency class of the package (e.g. a heat pump combination heater with integrated temperature control) according to 811/2013 Article 3, 6 (d), or is it necessary to also include information on the energy efficiency class of the product (i.e. the heat pump, which is never sold without the temperature control) according to 811/2013 article 3, 2 (d)? Thus, is it necessary to include 4 energy efficiency classes in the advertisement of a package, or is it enough with 2?

(5) Answer on energy classes for packages

Four classes have to be provided: the classes of the heater and of the package, both the space and the water heating class.

(6) Question on energy classes in advertisements (10-2015)

Does it have to be made clear that the energy efficiency class of a package in an advertisement is related to a package and not a product? In cases where the package consists of a space heater or heat pump space heater and solar devices it will be clear, but not in cases where the package consists of a heat pumps space heater with integrated temperature control.

(6) Answer on energy classes in advertisements

In the case of a package, both the classes of the heater and of the package have to be indicated. If multiple classes have to be indicated in advertisements, it is necessary to indicate which class refers to what.

(7) Question on combinations label (10-2015)

How should a heat pump combination heater that can be described according to a-c be labelled?

- a) Fulfils the ecodesign requirements for water heating energy efficiency (e.g. 30 % for load profile L)
- b) Fulfils the ecodesign requirements for seasonal space heating energy efficiency for low temperature heat pumps (115%)
- c) Does not fulfil the ecodesign requirements for seasonal space heating energy efficiency for heat pump combination heaters (100 %)

There is no label for low temperature heat pump combination heaters. Is it possible to use a combination of the following two labels for the heat pump described above:

- Label 1.1.4 for low temperature heat pumps (811/2013, annex III), with the seasonal space heating energy efficiency class for low temperature applications
- Label 1.1.3 for heat pump water heaters (812/2013, annex III), with the water heating energy efficiency class

even though 812/2013, article 1, 2(d) says: This regulation shall not apply to (d) combination heaters as defined in Article 2 of Commission Delegated Regulation (EU) No 811/2013.

(7) Answer on combinations label

If the ecodesign regulation allows this to be placed on the market, then it cannot be labelled. If it would carry a label this would mean that it is considered a (medium temperature) combination heater that would not meet the ecodesign requirements.

(8) Question on online labelling of heat pumps (10-2015)

According to regulation (EU) 518/2014 the energy label must be displayed in web shops and if necessary through a nested display. If a nested display is used, the image used for accessing the label should be an arrow stating the energy class and having the colour of the correspondent energy class. However, the energy label covering heat pumps states two energy classes covering the space heating function for medium- and low-temperature application, respectively. Which one is to be used for the nested display image?

(8) Answer on online labelling of heat pumps

As the 'nested display' referred to in Annex IX of Regulation 811/2013 (introduced by Regulation 518/2014) is optional, it is possible for dealers to avoid this issue and display the label directly, not using nested display. Given that this may require more screen space (cf. recital 6 of Regulation 518/2014) the option of nested display is nevertheless also available for heat pumps. Considering that the medium temperature application is the most common one, the nested display image should indicate the medium temperature (55 °C) application class.

(9) Question on measuring sound power level of heat pumps (10-2015)

The energy label for heat pump space heaters includes a value for the sound power level. Label example in Annex III, point 1.1.3. The test standard prescribes, that measurements are to be performed at “standard rating conditions” – however, there are two standard ratings for these heat pumps, both high temperature (55 °C) and low temperature (35 °C). Neither the regulation, the test standard (EN 14825) nor the Guidelines provided by the Commission clarifies which of the conditions measurements are supposed to cover. Which conditions are to be applied when measuring sound power level?

(9) Answer on measuring sound power level of heat pumps

Measuring the sound power level at both conditions may lead to extra cost at no obvious benefit. As long as the standard does not specify at which of the two standard rating conditions measurement should be performed, testing at the medium temperature conditions (55 °C) seems the most appropriate as it is the most common application.

(10) Question on packages of heaters and a ventilation unit (10-2015)

How should packages consisting of both a space heater a water heater and a ventilation unit be labelled and documented? An issue is here, that assessing of any contribution from the discharged air from the ventilation unit (after the passive heat exchanger) is not defined in the regulations. An approach could be to perform measurements at 20 °C, as prescribed for hot water heat pumps (discharge) without heat recovery of the ventilation air. Though, this will result in a more favourable water heating energy efficiency' (η_{wh}) than in reality achieved.

(10) Answer on packages of heaters and a ventilation unit

The combined unit needs to be tested as prescribed by the Regulations on space heaters, and water heaters and ventilation and the relevant standards. If the mentioned contribution is not considered in the test then it cannot be taken into account.

(11) Question on cogeneration space heater combined with heat pumps (10-2015)

For a cogeneration space heater with one supplementary heat pump space heater Regulation 811/2013, annex IV, Figure 2 presents the rules for a package consisting of a preferential cogeneration space heater combined with temperature control, supplementary heater and/or solar device. However, the only option for a supplementary space heater is a (one) boiler space heater (and not a heat pump space heater). Can Figure 2 also be used to determine the package label for a package consisting of a cogeneration space heater combined with one or more supplementary space heaters where one of them is a heat pump space heater?

(11) Answer on cogeneration space heater combined with heat pumps

Yes, but the factor “II” shall be the one calculated according to Table 6 for heat pumps.

(12) Question on cogeneration heater with a boiler and a heat pump (10-2015)

In Regulation 811/2013, annex IV, Figure 1, the rules for a package consisting of a preferential boiler space heater combined with temperature control, supplementary heaters and/or solar device is presented. In these rules, there are two options for a supplementary space heater - one boiler space heater and one heat pump space heater. Can a manufacturer use this Figure 1 to calculate the package label by: 1) inserting the seasonal efficiency of the preferential cogeneration space heater instead of the seasonal efficiency of a preferential boiler; 2) inserting the seasonal efficiency of the supplementary boiler space heater; and 3) inserting the weighing factor “II” of table 6 instead of the factor “II” of table 5 and the seasonal efficiency of the supplementary heat pump space heater?

(12) Answer on cogeneration heater with a boiler and a heat pump

Yes, the package is covered by the regulation and this is the only way to take both supplementary heaters into account.

(13) Question on online label requirements for combination heaters (11-2016)

When selling a combination heater for both space heating and hot water production, there are two energy classes; one for heating efficiency and one for hot water production efficiency. Do both energy classes have to be shown in case of nested display or only one of them, in which case which one?

(13) Answer on online label requirements for combination heaters

Regulation 518/2014 refers to 'the' image which indicates on its arrow 'the' energy efficiency class. Thus, there should be only one nested display image for one label and indicating one class. As the 'nested display' referred to in Annex IX of Regulation 811/2013 (introduced by Regulation 518/2014) is optional, it is possible for dealers to avoid this issue and display the label directly, not using nested display. Given that this may require more screen space (cf. recital 6 of Regulation 518/2014) the option of nested display is nevertheless also available for combination heaters. Regulation 518/2014 requires one nested display image for one label and indicating one class. Considering that Regulation 811/2013 defines a combination heater as a space heater with the function of providing heat to deliver hot drinking or sanitary water being additional, the nested display image should indicate the seasonal space heating energy efficiency class.

Commission Delegated Regulation (EU) No 65/2014 of 1 October 2013 supplementing Directive 2010/30/EU of the European Parliament and of the Council with regard to the energy labelling of domestic ovens and range hoods

(1) Question on scope for range hoods (06-2016)

The regulation defines the products in scope in Article 1. The Commission has also published a guide on this regulation², stating:

“2.1.4 Recirculation hoods

In general hoods can be used in 'exhaust' or 'recirculation' mode. Hoods designed solely for recirculation that do not have an internal exhaust fan outlet similar to those of the 'exhaust' hoods are not in the scope of the regulations. The wording 'internal exhaust duct' comes from the definition given in the regulations:

'range hood' means an appliance, operated by a motor which it controls, intended to collect contaminated air from above a hob, or which includes a downdraft system intended for installation adjacent to cooking ranges, hobs and similar cooking products, that draws vapour down into an internal exhaust duct;

The internal exhaust duct is the internal duct that brings out the air.

The 'only recirculation' hoods do not have an 'internal exhaust duct' and cannot be tested with the standardised test method in which such a duct is necessary.

For that reason and considering that this type of appliance represents a niche market, it is suggested not to consider 'only recirculation' hoods.”

The reasoning behind this paragraph cited from the guide is quite complex and certainly not apparent from the text alone. Especially the connection between “internal exhaust duct” and “range hood” is not obvious, as it is more obviously connected to “downdraft system”. The internal exhaust duct is also not defined in the regulation and occurs nowhere in the text except in definition 13. Neither does the term “recirculation”. It may indeed be impossible to reliably measure the airflow and therefore the energy efficiency of this kind of hood because of the gap in the standard.

Does the “suggestion not to consider 'only recirculation' hoods” have any effect for market surveillance? The guide is not legally binding. While it would be unwise to test for compliance of unmeasurable parameters and be defeated in court, MSAs can still test for formal requirements and those parameters (lighting and grease filtering efficiency) that are not directly affected by the measurement of airflow.

The problematic situation could be solved by either: 1) amending the regulation by introducing the needed definitions and exempting the only-recirculation hoods in Article 1, point 2., if that is the intended policy; or 2) amending the standard so these hoods can be measured in a reliable way.

(1) Answer on scope for range hoods

Indeed, the situation could be resolved by these means but both will take time. The amendment of the regulation could easily take 3 to 4 years and the amendment of the standard will take about 4 years (if feasible and accepted by CENELEC). For information, the overall review of the regulation is scheduled for early 2021. In the meantime, the guidelines' provisions are suggested to be followed, though not legally binding.

² <https://ec.europa.eu/energy/sites/ener/files/documents/Implementation%20guidelines%20cooking%20appliances.pdf>

Commission Delegated Regulation (EU) No 1254/2014 of 11 July 2014 supplementing Directive 2010/30/EU of the European Parliament and of the Council with regard to energy labelling of residential ventilation units

(1) Question on packages of heaters and a ventilation unit (10-2015)

See question and answer (10) for *Commission Delegated Regulation (EU) No 811/2013 of 18 February 2013 supplementing Directive 2010/30/EU of the European Parliament and of the Council with regard to the energy labelling of space heaters, combination heaters, packages of space heater, temperature control and solar device and packages of combination heater, temperature control and solar device*

(2) Question on units for AEC and AHS (11-2016)

Annex VIII, point 2 states:

The annual electricity consumption per 100 m² floor area (AEC) (in kWh/a electric per year); and the annual heating saved (AHS), which means the annual saving in consumption of energy for heating (in kWh fuel gross calorific value per year) are calculated as follows, using the definitions in point 1, and the default values given in Table 1, for each type of climate (average, warm and cold):

$$AEC = t_a \cdot q_{net} \cdot MISC \cdot CTRL^x \cdot SPI + Q_{defr}$$

$$AHS = t_h \cdot \Delta T_h \cdot \eta_h^{AHS} \cdot c_{air} \cdot (q_{ref} - q_{net} \cdot CTRL \cdot MISC \cdot (1 - \eta_t))$$

It does not appear directly, that both AEC and AHS are to be stated as consumption per 100 m². Should AEC and AHS be stated using the same unit?

(2) Answer on units for AEC and AHS

Indeed, on the basis of the formulas of Annex VIII to Regulation 1254/2014, the unit of measure for AEC, AHS and SEC is [kWh/(m²*a)]. This is in line with the units of the product information requirements on SEC in point (c) of Annex IV. However, the product information requirements on AEC and AHS (point (v) and (w) of Annex IV, respectively) are to be reported in [kWh/a]. This means, as from the indication laid down in point 2 of Annex VIII, that the AEC and AHS obtained with the formulas in Annex VIII should then be multiplied by 100m², and the obtained values (in [kWh/a]) are the ones to be included in the product fiche.

Commission Delegated Regulation (EU) No 518/2014 of 5 March 2014 amending Commission 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 and (EU) No 812/2013 with regard to labelling of energy-related products on the internet

(1) Question on the obligation to provide an electronic label and an electronic product fiche for online sales (04/2017)

What triggers the obligation? Is the indication of price sufficient to trigger the obligation? Is the presence of a "buy" or "add to basket" button needed to trigger the obligation?

(1) Answer on the obligation to provide an electronic label and an electronic product fiche for online sales

Regulation 518/2014 adds specific rules about internet sales to existing energy labelling obligations. Being the more specific legislation on the exact point (how information on a product should be shown when it is sold on the internet), Regulation 518/2014 takes precedence over the generic rules on advertising in the regulations. In practice, regulation 518/2014 amends the existing energy labelling regulations by adding text such as: "Where the offer is made through the internet and an electronic label and an electronic product fiche have been made available in accordance with Article [...] the provisions of Annex [...] shall apply instead". The crucial words are underlined. What constitutes an 'offer' to sell is not defined in Regulation 518/2014 nor in Regulation (EU) 2017/1369.

In law, an offer is stated when the essential elements of a contract are clear (product, price and contracting parties). The Blue Guide, point 2.1 provides additional clarification for the case of online sales: "*Union harmonisation legislation applies to all forms of selling. A product offered in a catalogue or by means of electronic commerce has to comply with Union harmonisation legislation when the catalogue or website directs its offer to the Union market and includes an ordering and shipping system.*" (emphasis added).

Therefore the simple indication of a price alone is not sufficient to trigger the obligation – it is not an offer to sell: the website must provide the possibility to place an order. This may be quite simple (e.g. an e-mail contact, phone or fax number on the website or in a catalogue which the customer can use to order products), or it can be a complete ordering and shipping system.

The obligation is triggered regardless of the existence of a "buy" or "add to basket" button." This is also the case when multiple products are displayed, e.g. for comparison purposes. Indeed, recital 2 of Regulation 518/2014 refers to the issue of "*ability of end-users to make better informed decisions about their purchases [...]*". Recital 5 of the Energy Labelling Directive reads "*The provision of accurate, relevant and comparable information on the specific energy consumption of energy-related products should influence the end-user's choice*". Thus the Regulation suggests that the energy label is not meant to provide complementary/additional information for the user in the final purchasing step, but to help him in selecting a product. Therefore, the presence of the "buy" or "add to basket" button in a specific webpage is not decisive: as said above, the presence of an ordering and shipping system is key. Even if the "buy" or "add to basket" button is not present on a specific page, the dealer is offering a possibility to buy that product elsewhere on the on-line store, for example by opening a new page after clicking on the product name or image. In order to "make better informed decisions" the energy label and product fiche should be visible when a list of multiple products is displayed on the screen of on-line stores.

The electronic label and product fiche have to be displayed in a way that is clearly visible and legible and close to price of the product. Alternatively they may be shown in a nested format, as described in the regulation. Dealers are free to determine whether they display the full label and product fiche or their nested form.