

Our Ref. ICD Reg 2017/1369 Energy  
labelling Framework

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# Regulation (EU) 2017/1369 Framework for Energy labelling and repealing Directive 2010/30/EU

## 1. Introduction

In the European Union, a number of everyday products such as washing machines, refrigerators and cooking appliances carry energy labels. Energy labeling enable customers to make informed choices based on the energy consumption of energy-related products. Energy efficient products make a significant contribution to energy savings and to reduced energy bills.

In July 2017 the Commission published Regulation (EU) 2017/1369 of the European Parliament and of the Council of 4 July 2017 setting a framework for energy labeling and repealing Directive 2010/30/EU. While Regulation (EU) 2017/1369 essentially maintains the same scope of Directive 2010/30/EU, it modifies and enhances some of its provisions in order to take into account the technological progress for energy efficiency in products achieved over recent years. With the development of more energy efficient products the lowest categories in the previous scale will no longer be required. Consumers will also have access to a database of product labels and information sheets.

## 2. Objectives & Purpose of the Legislation

Regulation (EU) 2017/1369 simplifies and updates the energy efficiency labeling requirements for products sold in the European Union.

In the future, products will be labelled on a new, updated and clearer scale from A (most efficient) to G (least efficient). This new scale will gradually replace the current one of A+++ to G

labels. In addition, a product registration database will allow the public to consult product labels and information sheets, making it easier to compare the energy efficiency of household appliances. The Regulation also requires manufacturers to inform consumers if software or firmware updates could reduce a product's energy efficiency. It also bans the use of 'defeat devices', which alter a product's performance under test conditions.

The definitions of keywords such as 'manufacturer', 'importer', 'dealer' and 'supplier' are listed under Article 2.

The General obligations of suppliers are listed under Article 3. A Supplier is defined as a manufacturer established in the Union, the authorised representative of a manufacturer who is not established in the Union, or an importer, who places a product on the Union market.

Furthermore, suppliers' obligations in relation to the product database are detailed in Article 4.

Obligations include the following:

- a) As from 1 January 2019, the supplier shall, before placing on the market a unit of a new model covered by a delegated act, insert in the product database the information for that model, as per Annex I of the Regulation.
- b) Whereas units of models covered by a delegated act are placed on the market between 1 August 2017 and 1 January 2019, the supplier shall, by 30 June 2019, insert in the product database the information set out in Annex I in relation to those models. Until data entry in the product database, the supplier shall make an electronic version of the technical documentation available for inspection within 10 days of a request received from market surveillance authorities or the Commission.
- c) The supplier may enter in the product database the information for models, as set out in Annex I of the Regulation, the units of which were exclusively placed on the market before 1 August 2017.
- d) A product for which changes are made that are relevant for the label or the product information sheet shall be considered to be a new model. The supplier shall indicate in the database when it no longer places on the market units of a model.
- e) The obligations referred to in paragraphs a and b above shall not apply to packages of heaters referred to in Commission Delegated Regulations (EU) No 811/2013 (1), (EU) No

812/2013 (2) and (EU) 2015/1187 (3), where the provision of labels for those packages is the sole responsibility of the dealer.

f) After the final unit of a model has been placed on the market, the supplier shall keep the information concerning that model in the compliance part of the product database 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 pursuant to point (q) of Article 16(3) of the Regulation. The information in the public part of the database shall not be deleted.

Obligations of dealers are listed in Article 5. Article 2 defines 'dealer' for the purpose of this regulation. 'Dealer' is defined 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.

In this regard, the dealer is obliged to:

- a) display, in a visible manner, including for online distance selling, the label provided by the supplier or made available for units of a model covered by the relevant delegated act. 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) of this Regulation.
- b) The dealer shall also make available to customers the product information sheet, including, upon request, in physical form at the point of sale. Where, notwithstanding Article 3(1) of the Regulation, 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.

Further obligations which are applicable to both suppliers and dealers are listed in Article 6.

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.

The Commission is empowered to adopt delegated acts in order to supplement this Regulation. Article 11 stipulates the procedure the Commission shall follow for the introduction and rescaling of labels. This article also lists certain suppliers' and dealers' obligations where a label is rescaled. These include:

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) of the Regulation as from the start of that period. For such products,

the dealer shall obtain a rescaled label in accordance with Article 5(2) of the Regulation.

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, delegated acts referred to in point (e) of Article 16(3) of the Regulation may provide for specific rules for energy labels printed on the packaging.

A Product database shall be established and maintained by the Commission. As per Article 12, the product database shall consist of a public part, a compliance part and an online portal giving access to those two parts. The compliance part of the product database shall be accessible only to market surveillance authorities and to the Commission

The product database shall serve the following purposes:

- (a) to support market surveillance authorities in carrying out their tasks under this Regulation and the relevant delegated acts, including enforcement thereof;
- (b) to provide the public with information about products placed on the market and their energy labels, and product information sheets;
- (c) to provide the Commission with up-to-date energy efficiency information for products for reviewing energy labels;

The following transitional measures are stipulated in Article 20:

- For models, the units of which were placed on the market or put into service in accordance with Directive 2010/30/EU before 1 August 2017, 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 market surveillance authorities or the Commission.
- Delegated acts adopted pursuant to Article 10 of Directive 2010/30/EU and Directive 96/60/EC shall remain in force until they are repealed by a delegated act adopted pursuant to Article 16 of this Regulation covering the relevant product group. 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.
- With regard to product groups already covered by delegated acts adopted pursuant to Article 10 of Directive 2010/30/EU, or by Directive 96/60/EC, where the Commission adopts delegated acts pursuant to Article 16 of this Regulation, the energy efficiency classification established by Directive 2010/30/EU may, by way of derogation from point (b) of Article 16(3) of this Regulation, continue to apply until the date on which the delegated acts introducing rescaled labels pursuant to Article 11 of this Regulation become applicable.
- Article 4 concerning the obligations of suppliers in relation to the product database shall apply from 1 January 2019.
- Directive 2010/30/EU is repealed with effect from 1 August 2017.

(1) 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 (OJ L 239, 6.9.2013, p. 1).

(2) Commission Delegated Regulation (EU) No 812/2013 of 18 February 2013 supplementing Directive 2010/30/EU of the European Parliament and of the Council with regard to the energy labelling of water heaters, hot water storage tanks and packages of water heater and solar device (OJ L 239, 6.9.2013, p. 83).

(3) Commission Delegated Regulation (EU) 2015/1187 of 27 April 2015 supplementing Directive 2010/30/EU of the European Parliament and of the Council with regard to energy labelling of solid fuel boilers and packages of a solid fuel boiler, supplementary heaters, temperature controls and solar devices (OJ L 193, 21.7.2015, p. 43).

*Disclaimer: The information contained within this document is intended only as guidelines and is not intended, nor should be construed, as legislation. Please refer to Regulation (EU) 2017/1369 for a more comprehensive understanding.*

<http://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32017R1369&from=EN>

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