



Brussels, **XXX**
[...] (2016) **XXX** draft

COMMISSION DELEGATED REGULATION (EU) .../...

of XXX

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

(Text with EEA relevance)

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(Text with EEA relevance)

THE EUROPEAN COMMISSION,

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

Having regard to Directive 2010/30/EU of the European Parliament and of the Council of 19 May 2010 on the indication by labelling and standard product information of the consumption of energy and other resources by energy-related products¹,

Whereas:

- (1) Experience gained in implementing Commission Delegated Regulations adopted on the basis of Directive 2010/30/EU has revealed that the verification tolerances laid down in the delegated acts, and intended for use only by market surveillance authorities, have been used by some suppliers to establish the values required to be provided in the technical documentation or to interpret those values with a view to achieving a better energy labelling classification or to suggest, in other ways, better performance of their products.
- (2) The verification tolerances are designed to allow for variations that emerge in the measurements taken during verification tests, which are due to the differences in the measurement equipment used by suppliers and surveillance authorities across the Union. Verification tolerances should not be used by the supplier for establishing the values in the technical documentation or for interpreting those values in order to achieve a better energy labelling classification or to suggest better performance than has actually been measured and calculated. The parameters declared or published by the supplier should not be more favourable for the supplier than the values contained in the technical documentation.
- (3) To ensure fair competition, to realise the energy savings that the Regulations were designed to achieve, and to provide consumers with accurate information about the energy efficiency and functional performance of products, it should be clarified that the verification tolerances set out in the delegated acts may only be used by Member State authorities, for the purpose of verifying compliance.
- (4) Commission Delegated Regulations (EU) No 1059/2010², (EU) No 1060/2010³, (EU) No 1061/2010⁴, (EU) No 1062/2010⁵, (EU) No 626/2011⁶, (EU) No 392/2012⁷, (EU)

¹ OJ L 153, 18.6.2010, p. 1.

No 874/2012⁸, (EU) No 665/2013⁹, (EU) No 811/2013¹⁰, (EU) No 812/2013¹¹, (EU) No 65/2014¹², (EU) No 1254/2014¹³, (EU) No 2015/1094¹⁴, (EU) No 2015/1186¹⁵ and (EU) No 2015/1187¹⁶ should therefore be amended accordingly,

HAS ADOPTED THIS REGULATION:

Article 1

Amendments to Delegated Regulation (EU) No 1059/2010

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

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- ² 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 dishwashers (OJ L 314, 30.11.2010, p. 1).
- ³ 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 (OJ L 314, 30.11.2010, p. 17).
- ⁴ 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 washing machines (OJ L 314, 30.11.2010, p. 47).
- ⁵ 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 (OJ L 314, 30.11.2010, p. 64).
- ⁶ 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 (OJ L 178, 6.7.2011, p. 1).
- ⁷ 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 (OJ L 123, 9.5.2012, p. 1).
- ⁸ 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 (OJ L 258, 26.9.2012, p. 1).
- ⁹ 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 (OJ L 192, 13.7.2013, p. 1).
- ¹⁰ 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).
- ¹¹ 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).
- ¹² 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 (OJ L 29, 31.1.2014, p. 1).
- ¹³ Commission Delegated Regulation (EU) No 1254/2014 of 11 July with regard to energy labelling of residential ventilation units (OJ L 337, 25.11.2014, p. 27).
- ¹⁴ Commission Delegated Regulation (EU) No 2015/1094 of 5 May 2015 supplementing Directive 2010/30/EU of the European Parliament and of the Council with regard to the energy labelling of professional refrigerated storage cabinets (OJ L 177, 8.7.2015, p. 2).
- ¹⁵ Commission Delegated Regulation (EU) No 2015/1186 of 24 April 2015 supplementing Directive 2010/30/EU of the European Parliament and of the Council with regard to the energy labelling of local space heaters (OJ L 193, 21.7.2015, p. 20).
- ¹⁶ Commission Delegated Regulation (EU) No 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).

Article 2

Amendments to Delegated Regulation (EU) No 1060/2010

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

Article 3

Amendments to Delegated Regulation (EU) No 1061/2010

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

Article 4

Amendments to Delegated Regulation (EU) No 1062/2010

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

Article 5

Amendments to Delegated Regulation (EU) No 626/2011

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

Article 6

Amendments to Delegated Regulation (EU) No 392/2012

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

Article 7

Amendments to Delegated Regulation (EU) No 874/2012

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

Article 8

Amendments to Delegated Regulation (EU) No 665/2013

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

Article 9

Amendments to Delegated Regulation (EU) No 811/2013

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

Article 10

Amendments to Delegated Regulation (EU) No 812/2013

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

Article 11

Amendments to Delegated Regulation (EU) No 65/2014

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

Article 12

Amendments to Delegated Regulation (EU) No 1254/2014

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

Article 13

Amendments to Delegated Regulation (EU) 2015/1094

Annex X to Delegated Regulation (EU) No 2015/1094 is amended in accordance with Annex XIII to this Delegated Regulation.

Article 14

Amendments to Delegated Regulation (EU) 2015/1186

Annex IX to Delegated Regulation (EU) No 2015/1186 is amended in accordance with Annex XIV to this Delegated Regulation.

Article 15

Amendments to Delegated Regulation (EU) 2015/1187

Annex X to Delegated Regulation (EU) No 2015/1187 is amended in accordance with Annex XV to this Delegated Regulation.

Article 16

Entry into force

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

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

Done at Brussels,

For the Commission

The President

Jean-Claude JUNCKER