

REGULATION (EU) 2017/1369 of 4 July 2017 setting a framework for energy labelling

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

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

Article 1

Subject-matter and scope

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

2. This Regulation does not apply to:

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

Article 2

Definitions

For the purposes of this Regulation the following definitions apply:

- (1) 'energy-related product' or 'product' means a good or system with an impact on energy consumption during use which is placed on the market or put into service, including parts with an impact on energy consumption during use which are placed on the market or put into service for customers and that are intended to be incorporated into products;
- (2) 'product group' means a group of products which have the same main functionality;
- (3) 'system' means a combination of several goods which when put together perform a specific function in an expected environment and of which the energy efficiency can then be determined as a single entity;
- (4) 'model' means a version of a product of which all units share the same technical characteristics relevant for the label and the product information sheet and the same model identifier;
- (5) 'model identifier' means the code, usually alphanumeric, which distinguishes a specific product model from other models with the same trade mark or the same supplier's name;
- (6) 'equivalent model' means a model which has the same technical characteristics relevant for the label and the same product information sheet, but which is placed on the market or put into service by the

same supplier as another model with a different model identifier;

(7) 'making available on the market' means the supply of a product for distribution or use on the **markets of the Contracting Parties** in the course of a commercial activity, whether in return for payment or free of charge;

(8) 'placing on the market' means the first making available of a product on the **markets of the Contracting Parties**;

(9) 'putting into service' means the first use of a product for its intended purpose on the **markets of the Contracting Parties**;

(10) 'manufacturer' means a natural or legal person who manufactures a product or has a product designed or manufactured, and markets that product under its name or trademark;

(11) 'authorised representative' means a natural or legal person established in the **Energy Community** who has received a written mandate from the manufacturer to act on its behalf in relation to specified tasks;

(12) 'importer' means a natural or legal person established in the **Energy Community** who places a product from a third country on the markets of the **Contracting Parties**;

(13) 'dealer' means a retailer or other natural or legal person who offers for sale, hire, or hire purchase, or displays products to customers or installers in the course of a commercial activity, whether or not in return for payment;

(14) 'supplier' means a manufacturer established in the **Energy Community**, the authorised representative of a manufacturer who is not established in the **Energy Community**, or an importer, who places a product on the **markets of the Contracting Parties**;

(15) 'distance selling' means the offer for sale, hire or hire purchase by mail order, catalogue, internet, telemarketing or by any other method by which the potential customer cannot be expected to see the product displayed;

(16) 'customer' means a natural or legal person who buys, hires or receives a product for own use whether or not acting for purposes which are outside its trade, business, craft or profession;

(17) 'energy efficiency' means the ratio of output of performance, service, goods or energy to input of energy;

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

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

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

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

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

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

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

(25) <...>¹

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

Article 3

General obligations of suppliers

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

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

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

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

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

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

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

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

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

Article 4

<...>³

Article 5

Obligations of dealers

1. The dealer shall:

(a) display, in a visible manner, including for online distance selling, the label provided by the supplier or made available in accordance with paragraph 2 for units of a model covered by the relevant delegated act; and,
(b) make available to customers the product information sheet, including, upon request, in physical form at the point of sale.

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

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

Article 6

Other obligations of suppliers and dealers

The supplier and the dealer shall:

(a) make reference to the energy efficiency class of the product and the range of the efficiency classes available on the label in visual advertisements or technical promotional material for a specific model in accordance with the relevant delegated act;

(b) cooperate with market surveillance authorities and take immediate action to remedy any case of non-compliance with the requirements set out in this Regulation and the relevant delegated acts, which falls under their responsibility, at their own initiative or when required to do so by market surveillance authorities;

(c) for products covered by delegated acts, not provide or display other labels, marks, symbols or inscriptions which do not comply with the requirements of this Regulation and the relevant delegated acts, if doing so would be likely to mislead or confuse customers with respect to the consumption of energy or other resources during use;

(d) for products not covered by delegated acts, not supply or display labels which mimic the labels provided for under this Regulation and the relevant delegated acts;

(e) for non-energy related products, not supply or display labels which mimic the labels provided for in this Regulation or in delegated acts.

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

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

Article 7

Obligations of Contracting Parties

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

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

Article 8

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

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

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

2. **Contracting Parties' general market surveillance programmes or sector specific programmes, where applicable, shall include actions to ensure the effective enforcement of this Regulation.**
3. **For the purposes of the preceding paragraphs, national market surveillance authorities and the Secretariat shall take into account guidelines for the enforcement of this Regulation, in particular as regards best practices for product testing and the sharing of information, developed under Article 8(4) of Regulation (EU) 2017/1369 in the European Union.**
4. **Market surveillance authorities shall have the right to recover from the supplier the costs of document inspection and physical product testing in case of non-compliance with this**

Regulation or the relevant delegated acts.**Article 9****Procedure at national level for dealing with products presenting a risk**

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

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

<...>⁴

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

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

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

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

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

In particular, the market surveillance authorities shall indicate whether the non-compliance is due to either failure of the product to meet requirements relating to aspects of public interest protection laid

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

down in this Regulation or shortcomings in the harmonised standards referred to in Article 13 conferring a presumption of conformity.

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

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

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

Article 10

Energy Community safeguard procedure

1. Where, on completion of the procedure set out in Article 9(4) and (5), objections are raised against a measure taken by a Contracting Party, or where the Secretariat considers a national measure to be contrary to Energy Community law, the Secretariat shall, without delay, consult the Contracting Party, and the supplier or, where appropriate, the dealer and shall evaluate the national measure.

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

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

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

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

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

Article 11**Use of rescaled labels**<...>⁵**13. Where, pursuant to Article 11(1) or (3) of Regulation (EU) 2017/1369 in the European Union, a label has been rescaled:**

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

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

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

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

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

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

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

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

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

Article 12**Product database**6**Article 13****Harmonised standards**

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

Article 14**Consultation Forum**7**Article 15****Working plan**8**Article 16****Relevant delegated acts**

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

Article 17**Exercise of the delegation**9

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

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

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

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

Article 18

Committee procedure

<...>¹⁰

Article 19

Evaluation and report

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

Article 20

Repeal and transitional measures

1. Directive 2010/30/EU, as incorporated and adapted by the Ministerial Council Decision 2010/02/MC-EnC, is repealed with effect from 1 January 2020.

2. References to the repealed Directive shall be construed as references to this Regulation and shall be read in accordance with the correlation table set out in Annex II.

3. For models, the units of which were placed on the market or put into service in accordance with **Directive 2010/30/EU, as incorporated and adapted by the Ministerial Council Decision 2010/02/MC-EnC**, before **1 January 2020**, the supplier shall, for a period ending five years after the final unit was manufactured, make an electronic version of the technical documentation available for inspection within 10 days of a request received from **Contracting Parties** or the **Secretariat**.

4. Delegated acts adopted pursuant to Article 10 of Directive 2010/30/EU and Directive 96/60/EC, as incorporated and adapted by the Ministerial Council, shall remain in force until they are repealed by a Decision adopted by the Ministerial Council taken under Article 16 of this Regulation.

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

5. With regard to product groups already covered by relevant delegated acts adopted pursuant to Directive 2010/30/EU as incorporated and adapted by the Ministerial Council, or to Directive 96/60/EC as incorporated and adapted by the Ministerial Council, the energy efficiency classification established by Directive 2010/30/EU, as incorporated and adapted by the

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

Ministerial Council Decision 2010/02/MC-EnC, may continue to apply until the date on which the delegated acts introducing rescaled labels become applicable.

Article 21

Entry into force and application

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

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

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

<...>¹¹

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

ANNEX II CORRELATION TABLE

Directive 2010/30/EU	This Regulation
Article 1(1)	Article 1(1)
Article 1(2)	–
Article 1(3)(a) and (b)	Article 1(2)(a) and (b)
Article 1(3)(c)	–
Article 2	Article 2
Article 2(a)	Article 2, point 1
Article 2(b)	Article 2, point 22
Article 2(c)	–
Article 2(d)	–
Article 2(e)	–
Article 2(f)	–
Article 2(g)	Article 2, point 13
Article 2(h)	Article 2, point 14
Article 2(i)	Article 2, point 8
Article 2(j)	Article 2, point 9
Article 2(k)	–
Article 3	Article 7
Article 3(1)(a)	Article 7(3)
Article 3(1)(b)	Article 6(c)
Article 3(1)(c)	Article 7(3)
Article 3(1)(d)	Article 8(2)
Article 3(2)	Article 6(b) and Article 9
Article 3(3)	Article 8(1)
Article 3(4)	–
Article 4(a)	Article 5
Article 4(b)	–
Article 4(c)	Article 6(a)
Article 4(d)	Article 6(a)
Article 5	Article 3(1) and Article 6
Article 5(a)	Article 3(1)(a)
Article 5(b), points (i), (ii), (iii) and (iv)	Article 4(6) and Annex I
Article 5(c)	Article 4(6)
Article 5(d)	Article 3(1)
Article 5(d), second subparagraph	Article 3(1)

Article 5(e)	Article 3(1)
Article 5(f)	–
Article 5(g)	Article 3(1)
Article 5(h)	–
Article 6	Article 5(1) and Article 6
Article 6(a)	Article 5(1)(a)
Article 6(b)	Article 5(1)(a)
Article 7	Article 16(3)(e) and (g)
Article 8(1)	Article 7(1)
Article 8(2)	–
Article 9(3)	Article 7(2)
Article 9(4)	–
Article 10(1)	Article 16
Article 10(1), second paragraph	Article 16(2)
Article 10(1), third paragraph	–
Article 10(1), fourth paragraph	Article 16(3)(c)
Article 10(2)(a)	Article 16(2)(a)
Article 10(2)(b)	Article 16(2)(b)
Article 10(2)(c)	–
Article 10(3)(a)	–
Article 10(3)(b)	–
Article 10(3)(c)	Article 14
Article 10(3)(d)	–
Article 10(4)(a)	Article 16(3)(a)
Article 10(4)(b)	Article 16(3)(k)
Article 10(4)(c)	Article 16(3)(h)
Article 10(4)(d)	Article 16(3)(b)
Article 10(4)(d), second paragraph	–
Article 10(4)(d), third paragraph	Article 16(3)(b)
Article 10(4)(d), fourth paragraph	Article 11(3)
Article 10(4)(d), fifth paragraph	Article 11
Article 10(4)(e)	Article 16(3)(e)
Article 10(4)(f)	Article 16(3)(h)
Article 10(4)(g)	Article 16(3)(j)
Article 10(4)(h)	Article 11(3)
Article 10(4)(i)	Article 16(3)(i)
Article 10(4)(j)	Article 16(3)(o)

Article 11(1)	Article 17(2)
Article 11(2)	Article 17(5)
Article 11(3)	Article 17(1)
Article 12(1)	Article 17(3)
Article 12(2)	–
Article 12(3)	Article 17(3)
Article 13	Article 17(6)
Article 14	Article 19
Article 15	Article 7(4)
Article 16	–
Article 17	Article 20
Article 18	Article 21
Article 19	Article 21
Annex I	–
–	Annex I
Annex II	Annex II