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From: Secretary-General of the European Commission, signed by Ms Martine DEPREZ, Director

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To: Ms Thérèse BLANCHET, Secretary-General of the Council of the European Union

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Subject: **REPORT FROM THE COMMISSION TO THE EUROPEAN PARLIAMENT AND THE COUNCIL on the delegation of power to adopt delegated acts conferred on the Commission pursuant to Regulation (EU) 2017/1369 of the European Parliament and of the Council of 4 July 2017 setting a framework for energy labelling and repealing Directive 2010/30/EU**

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Delegations will find attached document COM(2022) 723 final.

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**REPORT FROM THE COMMISSION TO THE EUROPEAN PARLIAMENT AND  
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**on the delegation of power to adopt delegated acts conferred on the Commission  
pursuant to Regulation (EU) 2017/1369 of the European Parliament and of the Council  
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# REPORT FROM THE COMMISSION TO THE EUROPEAN PARLIAMENT AND THE COUNCIL

## on the delegation of the power to adopt delegated acts conferred on the Commission pursuant to Regulation (EU) 2017/1369 of the European Parliament and of the Council of 4 July 2017 setting a framework for energy labelling and repealing Directive 2010/30/EU

### 1. INTRODUCTION

Regulation (EU) 2017/1369<sup>1</sup> of the European Parliament and of the Council setting a framework for energy labelling and repealing Directive 2010/30/EU was adopted on 4 July 2017 and entered into force on 1 August 2017. It repeals Directive 2010/30/EU on the indication by labelling and standard product information of the consumption of energy and other resources by energy-related products.

Energy labelling of energy-related products enables consumers to make informed choices based on clear indications about the energy efficiency and other important supplementary information of products. Energy labelling makes a significant contribution to energy savings and to reducing energy bills, while at the same time promoting innovation and investments into the development and marketing of more energy efficient products. By harmonising related requirements at Union level, EU energy labelling also benefits manufacturers, industry and the Union economy overall. Together with ecodesign minimum requirements, these rules are estimated to have saved EU energy consumers expenditure of more than €250 bn in 2022 alone<sup>2</sup>.

According to Article 11 (subparagraphs 4 and 5) of Regulation (EU) 2017/1369, the Commission is empowered to adopt delegated acts to rescale labels and to establish detailed requirements relating to energy labels for specific product groups under its Article 16. Article 17 foresees that the power to adopt delegated acts shall be conferred on the Commission for an initial period of six years from 1 August 2017 and the conditions for its extension.

### 2. LEGAL BASIS

This report is required under Article 17(2) of Regulation (EU) 2017/1369. Pursuant to this provision, the power to adopt delegated acts is conferred on the Commission for a period of six years from 1 August 2017 and the Commission is required to prepare a report in respect of the delegation of power at the latest nine months before the end of the six-year period. This report aims to fulfil that requirement.

Article 17(2) of Regulation (EU) 2017/1369 also lays down that the delegation of power shall be tacitly extended for periods of an identical duration, unless the European Parliament or the

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<sup>1</sup> Regulation (EU) 2017/1369 of the European Parliament and of the Council of 4 July 2017 setting a framework for energy labelling and repealing Directive 2010/30/EU, OJ L 198, 28.7.2017, p. 1–23.

<sup>2</sup> COMMISSION STAFF WORKING DOCUMENT Accompanying the document COMMUNICATION FROM THE COMMISSION Ecodesign and Energy Labelling Working Plan 2022-2024 [EUR-Lex - 52022SC0101 - EN - EUR-Lex \(europa.eu\)](#)

Council opposes such extension not later than three months before the end of each period, while Article 17(3) states that the delegation of power may be revoked at any time by the European Parliament or by the Council.

### 3. EXERCISE OF THE DELEGATION

#### 3.1. Consultation prior to adoption

In the spirit of openness and transparency, the Commission has consulted experts nominated by Member States and relevant stakeholders during the preparation of delegated acts under Regulation (EU) No 305/2011. This has been done through regular dedicated meetings of experts and written consultations. All Member States were invited to nominate experts to participate in these consultations. The European Parliament was also invited to participate. The documents relevant to these consultations were transmitted simultaneously to the European Parliament and to the Council, as foreseen in the Common Understanding on delegated acts. The observations presented in these consultations were taken into consideration when preparing the final versions of delegated acts. Furthermore, the Commission regularly informed Member States and industry representatives of the progress made with the draft delegated acts, in line with Article 14 of the Regulation.

#### 3.2. Delegated acts adopted

During the reporting period, the Commission exercised its delegated powers by adopting the following delegated acts. The below table shows which acts contain the specific measures adopted under the relevant empowerments in Regulation (EU) 2017/1369.

Delegated Act	Empowerments in Regulation 2017/1369
1. Commission Delegated Regulation (EU) 2018/543 of 23 January 2018 correcting the Spanish language version of Commission Delegated Regulation (EU) No 812/2013 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	Article 16
2. Commission Delegated Regulation (EU) 2019/2013 of 11 March 2019 supplementing Regulation (EU) 2017/1369 of the European Parliament and of the Council with regard to energy labelling of electronic displays and repealing Commission Delegated Regulation (EU) No 1062/2010	Article 11(5) and Article 16
3. Commission Delegated Regulation (EU) 2019/2014 of 11 March 2019 supplementing Regulation (EU) 2017/1369 of the European Parliament and of the Council with regard to energy labelling of household washing machines and household washer-dryers and repealing Commission Delegated Regulation (EU) No 1061/2010 and Commission Directive 96/60/EC	Article 16
4. Commission Delegated Regulation (EU) 2019/2015 of 11 March 2019 supplementing Regulation (EU) 2017/1369 of the European Parliament and of the Council with regard to energy labelling of light sources and repealing Commission Delegated Regulation (EU) No 874/2012	Article 11(5) and Article 16(1)

5. Commission Delegated Regulation (EU) 2019/2016 of 11 March 2019 supplementing Regulation (EU) 2017/1369 of the European Parliament and of the Council with regard to energy labelling of refrigerating appliances and repealing Commission Delegated Regulation (EU) No 1060/2010	Article 11(5) and Article 16(1)
6. Commission Delegated Regulation (EU) 2019/2017 of 11 March 2019 supplementing Regulation (EU) 2017/1369 of the European Parliament and of the Council with regard to energy labelling of household dishwashers and repealing Commission Delegated Regulation (EU) No 1059/2010	Article 11(5) and Article 16
7. Commission Delegated Regulation (EU) 2019/2018 of 11 March 2019 supplementing Regulation (EU) 2017/1369 of the European Parliament and of the Council with regard to energy labelling of refrigerating appliances with a direct sales function	Articles 11 and 16
8. Commission Delegated Regulation (EU) 2020/987 of 20 January 2020 correcting certain language versions of Delegated Regulation (EU) No 1254/2014 supplementing Directive 2010/30/EU of the European Parliament and of the Council with regard to energy labelling of residential ventilation units	Article 16
9. Commission Delegated Regulation (EU) 2020/1059 of 27 April 2020 correcting certain language versions of 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 and (EU) No 874/2012 with regard to the labelling of certain energy-related products	Article 16
10. Commission Delegated Regulation (EU) 2021/340 of 17 December 2020 amending Delegated Regulations (EU) 2019/2013, (EU) 2019/2014, (EU) 2019/2015, (EU) 2019/2016, (EU) 2019/2017 and (EU) 2019/2018 with regard to energy labelling requirements for electronic displays, household washing machines and household washer-dryers, light sources, refrigerating appliances, household dishwashers, and refrigerating appliances with a direct sales function	Article 11(5) and Article 16

### 3.3. Objection to delegated acts

According to Article 17(6) of Regulation (EU) 2017/1369, the European Parliament or the Council may object to a delegated act within a period of two months from the date of notification, extendable by another three months. If either the European Parliament or the Council objects to a delegated act within this period, it shall not enter into force. Neither the the European Parliament nor the Council objected to any of the delegated acts mentioned above.

### 3.4. Need for extending the power to adopt delegated acts

The Ecodesign and Energy Labelling Working Plan 2022-2024, adopted on 30 March 2022<sup>3</sup>, in accordance with Article 15 of Regulation (EU) 2017/1369, sets out the priorities for work

<sup>3</sup> Communication from the Commission Ecodesign and Energy Labelling Working Plan 2022-2024 2022/C 182/01 C/2022/2026, OJ C 182, 4.5.2022, p. 1–12; [EUR-Lex - 52022XC0504\(01\) - EN - EUR-Lex \(europa.eu\)](#).

in the coming years for energy labelling of energy-related products, including several reviews of existing delegated acts and an indicative list of new energy-related product groups to be studied. It concludes that energy labelling delivers a vital and growing contribution to the European Green Deal and the “Fit for 55” objectives and to consumers faced with high energy prices whose bills would otherwise have been much higher.

The vast majority of delegated acts announced in the Working Plan will not be ready for adoption by the end of the current six-year period on 1 August 2023. Moreover, even beyond the period covered by the Working Plan, the empowerment to adopt or amend delegated acts will remain necessary in order to enable the necessary flexibility in the implementation of the rules and adjust them to market and technology developments. Furthermore, the empowerment allows the Commission to act in other areas where it has not yet done so, but may need to be addressed in the future.

### **3. CONCLUSION**

The Commission considers that it has exercised its delegated powers within the remit conferred on it by Regulation (EU) 2017/1369.

Given the valuable role energy labelling can play in helping consumers reduce their energy consumption, the requirement in existing energy labelling acts for regular reviews, as well as the list of energy-related products in the Ecodesign and Energy Labelling Working Plan 2022-2024 in possible need of energy labelling, the Commission considers there is a clear need for a tacit extension of the delegations of power provided for in Article 17(2) of Regulation (EU) 2017/1369 for a period of six years.

The Commission invites the European Parliament and the Council to take note of this report.