



**COUNCIL OF
THE EUROPEAN UNION**

Brussels, 13 May 2013

9443/13

ENER 177
ENV 386
DELECT 19

COVER NOTE

from: Secretary-General of the European Commission,
signed by Mr Jordi AYET PUIGARNAU, Director

date of receipt: 3 May 2013

to: Mr Uwe CORSEPIUS, Secretary-General of the Council of the European
Union

No Cion doc.: C(2013) 2458 final

Subject: Commission Delegated Regulation (EU) No .../.. of 3.5.2013 supplementing
Directive 2010/30/EU of the European Parliament and of the Council with
regard to energy labelling of vacuum cleaners

Delegations will find attached Commission document C(2013) 2458 final.

Encl.: C(2013) 2458 final



Brussels, 3.5.2013
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COMMISSION DELEGATED REGULATION (EU) No .../..

of 3.5.2013

**supplementing Directive 2010/30/EU of the European Parliament and of the Council
with regard to energy labelling of vacuum cleaners**

(Text with EEA relevance)

EXPLANATORY MEMORANDUM

1. CONTEXT OF THE DELEGATED ACT

Grounds for and objectives of the proposal

The environmental impact of vacuum cleaners in the EU is significant, in particular the electricity consumption in the use phase, which was estimated to be 18 TWh per year in 2005, corresponding to 6,6 Mt CO₂ equivalent. Including production of the appliance and consumables the total impact of greenhouse gas emissions is 9-10 Mt CO₂ equivalent.

In order to enable consumers to buy more energy-efficient vacuum cleaners, a labelling scheme is to be put in place. The scheme should provide standardised information on both energy consumption and cleaning performance, as well as on dust-retention and noise power.

This delegated Regulation complements draft Commission Regulation implementing Directive 2009/125/EC¹ of the European Parliament and of the Council with regard to ecodesign requirements for vacuum cleaners.

General context

A main reason for the persistent sales of low efficiency, high-power vacuum cleaners is that end-users perceive that high rated power consumption is linked to higher cleaning performance. This leads them to choose cleaners with high power consumption and so low efficiency.

As a result, the power consumption of vacuum cleaners has risen steadily over the past decades. On average in 2005 the power consumption is estimated to be around 1500 W and in some countries like Germany it is believed to be closer to 2300-2400 W. At the current pace, the EU average in 2020 will be very close to the current German average.

Without many people realizing it, the average electricity consumption of the domestic vacuum cleaners has grown from around 60 kWh/year in 1990 to a forecast 120 kWh/year in 2020. At these values vacuum cleaners' energy costs and impact compare with washing machines and dishwashers. Non-domestic ('professional') vacuum cleaners are much less power hungry (30% less power with better performance) and the increase in power consumption has been much less.

The main market failure is the perceived link between rated electric power and cleaning performance, which stands in the way of domestic consumers buying more energy efficient appliances.

Stakeholders, including the industry and consumer organisations, have asked unanimously for a combined introduction of ecodesign requirements and a labelling scheme for vacuum cleaners.

According to the impact assessment, the total stock of vacuum cleaners of 288 million units was responsible for an annual electricity consumption of 18 TWh in 2005 in the EU-27. Without further action this would increase to 34 TWh in 2020. The increase is mainly due to

¹ OJ L 285, 31.10.2009, p.10.

continuing rise in population, dwelling size and (above all) the increase in power consumption. The aim of the proposal is to reverse the expected increase in energy consumption of these appliances. It is estimated that the combined effect of the new ecodesign requirements set out in draft Commission Regulation implementing Directive 2009/125/EC and the labelling scheme set out in this draft delegated Regulation would lead to a reduction of 19 TWh in 2020.

Existing provisions in the area of the proposal

The draft Commission Regulation implementing Directive 2009/125/EC addresses the environmental performance of vacuum cleaners, but no other mandatory measures or voluntary initiatives exist for vacuum cleaners.

Generic legislation, with relevance for vacuum cleaners, includes:

- Directive 2002/96/EC² of the European Parliament and of the Council of 27 January 2003 on waste electrical and electronic equipment (WEEE);
- Directive 2011/65/EU³ of the European Parliament and of the Council of 8 June 2011 on the restriction of the use of certain hazardous substances in electrical and electronic equipment;
- Directive 2006/95/EC⁴ of the European Parliament and of the Council of 12 December 2006 on the harmonisation of the laws of Member States relating to electrical equipment designed for use within certain voltage limits (codified version) (Text with EEA relevance);
- Directive 2006/42/EC⁵ of the European Parliament and of the Council of 17 May 2006 on machinery, and amending Directive 95/16/EC (recast) (Text with EEA relevance);
- Directive 2004/108/EC⁶ of the European Parliament and of the Council of 15 December 2004 on the approximation of the laws of the Member States relating to electromagnetic compatibility and repealing Directive 89/336/EEC Text with EEA relevance.

Consistency with the other policies and objectives of the Union

Increased market take-up of energy-efficient vacuum cleaners, through the introduction of energy and cleaning performance classes as well as ecodesign requirements, will contribute to achieving the 20% energy savings potential anticipated in 2020.

Furthermore, implementation of Directive 2010/30/EC⁷ contributes to the EU's objective to attain a reduction in greenhouse gases of at least 20% in 2020.

² OJ L 37, 13.2.2003, p.24.

³ OJ L 174, 1.7.2011, p. 88.

⁴ OJ L 374, 27.12.2006, p. 10.

⁵ OJ L 157, 9.6.2006, p. 24.

⁶ OJ L 390, 31.12.2004, p. 24.

⁷ OJ L 153, 18.6.2010, p.1.

Promotion of market take-up of efficient vacuum cleaners complies with the Europe 2020 agenda and its 20% energy savings target in 2020, as it aims to support more efficient and sustainable use of resources, protect the environment, strengthen EU's leadership in developing new green technologies, improve the business environment and help consumers make more informed choices.

The European Economic Recovery Plan (COM(2008) 800) mentions energy efficiency as one of the key priorities, in particular the promotion of the rapid take-up of products offering a 'high potential for energy savings', such as vacuum cleaners.

Finally, it will contribute to the objective of decoupling economic growth from the use of resources set out in the Europe 2020 strategy (COM(2010) 2020) under the 'Resource-efficient Europe' flagship initiative.

2. CONSULTATIONS PRIOR TO THE ADOPTION OF THE ACT

Consultation of interested parties

Consultation methods, main sectors targeted and general profile of respondents

International and EU stakeholders and Member State experts were consulted from the very beginning of the preparatory study, and, together with ecodesign requirements, energy labelling was discussed in the "Consultation Forum", which is established by the Ecodesign Framework Directive 2009/125/EC⁸. The Consultation Forum is composed of the experts of the Member States and a balanced representation of stakeholders, namely environmental and consumer NGOs, retailers and manufacturers. During the meetings of the Consultation Forum of June 2010 and of September 2011 the Commission staff presented a working document suggesting ecodesign requirements and an energy efficiency ranking for vacuum cleaners. Working documents were also discussed at a Member State expert meeting on 27 February 2013.

All relevant working documents were circulated to the experts and stakeholders, and published in the Commission's CIRCA system alongside the stakeholder comments received in writing. In addition, the initiative was discussed on many occasions at meetings of Commission staff with stakeholders and Member States, but also with international partners. The draft delegated regulation was notified to the WTO/TBT, to ensure that no barrier to trade is introduced.

Summary of responses and how they have been taken into account

In general an energy labelling scheme for vacuum cleaners pursuant to the recast Energy labelling Directive is well supported by stakeholders and Member States. The following responses on main aspects of the proposal were received:

Product scope and classification

The appliances to be covered are domestic and non-domestic dry vacuum cleaners. Wet, wet & dry, industrial, central, battery and robot-types as well as floor polishers and outdoor

⁸ OJ L 285, 31.10.2009, p. 10.

vacuums are excluded, because performance standards are not in place and their environmental impact is relatively small compared to the impact of dry vacuum cleaners.

Energy labelling scales

In line with stakeholder proposals the energy labelling metric is in 'annual energy consumption' (in kWh/yr), which in turn depends both on the power consumption (in W) of the vacuum cleaner and the cleaning performance (in dust pick-up, dpu) for carpets and hard floors with a crevice.

Timing

Stakeholders welcomed a label and would like to see it applied as soon as possible. Member States pointed out that different labels should not follow up on each other in short time frames such as one year. They suggested that there should be only two, rather than three, different labels with regard to labelling scale. .

Other information requirements

Dust re-emission, the fraction (in %) of small particulate (0.3-10 µm) dust (re)emitted by the vacuum cleaner as a percentage of the number of small dust particles picked-up at its inlet during standard test conditions, was identified by stakeholders as an important parameter especially for users with respiratory problems. Another relevant parameter, and an important selling feature for certain market segments, is the noise power (in dBA re1).

Collection and use of expertise

Input from scientific expertise

A preparatory study and an impact assessment provided the relevant technical, market and economic analysis needed for setting up a revised energy labelling scheme. They were carried out by consortiums of external consultants on behalf of the Commission's Directorate General for Energy (DG ENER).

Main organisations/experts consulted

The preparatory study was conducted in an open process that took into account input from relevant stakeholders including manufacturers and manufacturing associations, environmental NGOs, consumer and retail organizations, EU/EEA Member State experts and international organizations such as the International Energy Agency (IEA). The draft measure was notified to the WTO within the TBT agreement.

Summary of advice received and used

No potentially serious risks with irreversible consequences were mentioned.

Impact assessment

Labelling has to be considered together with other policy options such as self-regulation or the setting of minimum performance (energy efficiency) requirements. An impact assessment was carried out pursuant to Article 15(4)(b) of Directive 2005/32/EC which also examined the option of labelling. The options listed below were discarded at an early stage:

- No EU action (legislation currently in place would not be amended, no new legislation would be adopted). This option was discarded since this option would not meet the objectives laid down in the Ecodesign and Energy Labelling Directives Framework Directives;
- Support a voluntary commitment by the relevant industry. This option was discarded as no such proposals were made by the industry;
- Adopt ecodesign requirements only. This option was discarded because introducing strict ecodesign requirements without a proper explanation to the consumer on how it could affect the cleaning performance could be highly disruptive in the market place and would pose a barrier to consumer acceptance to the measure. If such an explanation was lacking the measure should probably also be less ambitious;
- Adopt labelling scheme only (without ecodesign requirements). This option was discarded as it would not achieve the expected savings.

Consequently, the option composed of the adoption of ecodesign requirements together with a labelling scheme was chosen, as it delivers most savings and is also preferred by all stakeholders.

It will ensure that:

- On-going energy improvements are maintained and fostered;
- Fair competition and product differentiation continues to operate on energy improvements;
- The cost-effective level of energy consumption is reached;
- The competitiveness of the industry is supported through the expansion of the EU internal market for sustainable products;
- The burdens on suppliers including SMEs are not excessive, as the transition periods take redesign cycles into account;
- There is no negative impact on employment in the EU.

3. LEGAL ELEMENTS OF THE DELEGATED ACT

Summary of the proposed action

The measure sets out new mandatory information requirements for suppliers placing vacuum cleaners on the market, and for dealers offering these appliances at the point of sale or by distant selling such as via catalogues or the internet. The scope of the measure is aligned with the scope of the draft Commission Regulation implementing Directive 2009/125/EC, which sets minimum requirements on annual energy consumption, maximum power consumption, minimum cleaning performance, maximum noise power and maximum dust re-emission for vacuum cleaners.

Measurement methods and the verification procedure for market surveillance purposes are fully aligned with the draft Commission Regulation implementing Directive 2009/125/EC.

Legal basis

The draft delegated Regulation implements Directive 2010/30/EU, and in particular Article 10 thereof. It is based on Article 194 TFEU.

Subsidiarity principle

The draft delegated Regulation implements Directive 2010/30/EU in line with Article 10.

Proportionality principle

In accordance with the principle of proportionality, this measure does not go beyond what is necessary in order to achieve the objective.

The form of the implementing measure is a delegated Regulation which is directly applicable in all Member States. This ensures that national and EU administrations will not incur any costs for transposition of the implementing legislation into national legislation.

In terms of conformity assessment, the extra costs will cover both these energy labelling measures, and ecodesign.

Choice of instrument

Proposed instrument: delegated Regulation.

Budgetary implication

There are no budgetary implications for the EU budget.

Review/revision/sunset clause

The draft includes a revision clause.

European Economic Area

The proposed act concerns an EEA matter and should therefore extend to the European Economic Area.

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of 3.5.2013

**supplementing Directive 2010/30/EU of the European Parliament and of the Council
with regard to energy labelling of vacuum cleaners**

(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 19 May 2010 of the European Parliament and of the Council on the indication by labelling and standard product information of the consumption of energy and other resources by energy related products⁹, and in particular Article 11 thereof,

Whereas:

- (1) Directive 2010/30/EU requires the Commission to adopt delegated acts as regards the labelling of energy related products representing significant potential for energy savings and presenting a wide disparity in performance levels with equivalent functionality.
- (2) The energy used by vacuum cleaners accounts for a significant part of total energy demand in the Union. The scope for reducing the energy consumption of vacuum cleaners is substantial.
- (3) Wet, wet and dry, robot, industrial, central and battery operated vacuum cleaners and floor polishers and outdoor vacuums have particular characteristics and should therefore be exempted from the scope of this Regulation.
- (4) The information provided on the label should be obtained through reliable, accurate and reproducible measurement procedures, which take into account the recognised state of the art measurement methods including, where available, harmonised standards adopted by the European standardisation organisations, as listed in Annex I to Regulation (EU) 1025/2012 of the European Parliament and of the Council of 25 October 2012 on European standardisation¹⁰.
- (5) This Regulation should specify a uniform design and content for the label for vacuum cleaners.

⁹ OJ L 153, 18.6.2010, p. 1.

¹⁰ OJ L 316, 14.11.2012, p. 12.

- (6) In addition, this Regulation should specify requirements as to the technical documentation and the fiche for vacuum cleaners.
- (7) Moreover, this Regulation should specify requirements as to the information to be provided for any form of distance selling, advertisements and technical promotional materials of vacuum cleaners.
- (8) It is appropriate to provide for a review of the provisions of this Regulation taking into account technological progress,

HAS ADOPTED THIS REGULATION:

Article 1
Subject matter and scope

1. This Regulation establishes requirements for the labelling and the provision of supplementary product information for electric mains-operated vacuum cleaners, including hybrid vacuum cleaners.
2. This Regulation shall not apply to:
 - (a) wet, wet and dry, battery operated, robot, industrial, or central vacuum cleaners;
 - (b) floor polishers;
 - (c) outdoor vacuums.

Article 2
Definitions

In addition to the definitions set out in Article 2 of Directive 2010/30/EU, the following definitions shall apply for the purpose of this Regulation:

1. ‘vacuum cleaner’ means an appliance that removes soil from the surface to be cleaned by an airflow created by underpressure developed within the unit;
2. ‘hybrid vacuum cleaner’ means a vacuum cleaner that can be powered by both electric mains and batteries;
3. ‘wet vacuum cleaner’ means a vacuum cleaner that removes dry and/or wet material (soil) from the surface by applying water-based detergent or steam to the surface to be cleaned, and removing it, and the soil by an airflow created by underpressure developed within the unit, including types commonly known as spray-extraction vacuum cleaners;
4. ‘wet and dry vacuum cleaner’ means a vacuum cleaner designed to remove a volume of more than 2.5 litres of liquid, in combination with the functionality of a dry vacuum cleaner;

5. 'dry vacuum cleaner' means a vacuum cleaner designed to remove soil that is principally dry (dust, fibre, threads), including types equipped with a battery operated active nozzle;
6. 'battery operated active nozzle' means a cleaning head provided with an agitation device powered by batteries to assist dirt removal;
7. 'battery operated vacuum cleaner' means a vacuum cleaner powered only by batteries;
8. 'robot vacuum cleaner' means a battery operated vacuum cleaner that is capable of operating without human intervention within a defined perimeter, consisting of a mobile part and a docking station and /or other accessories to assist its operation;
9. 'industrial vacuum cleaner' means a vacuum cleaner designed to be part of a production process, designed for removing hazardous material, designed for removing heavy dust from building, foundry, mining or food industry, part of an industrial machine or tool and/or a commercial vacuum cleaner with a head width exceeding 0.50 m;
10. 'commercial vacuum cleaner' means a vacuum cleaner for professional housekeeping purposes and intended to be used by laymen, cleaning staff or contracting cleaners in office, shop, hospital and hotel environments, declared by the manufacturer as such in its Declaration of Conformity pertaining to Directive 2006/42/EC of the European Parliament and of the Council¹¹;
11. 'central vacuum cleaner' means a vacuum cleaner with a fixed (not movable) underpressure source location and the hose connections located at fixed positions in the building;
12. 'floor polisher' means an electrical appliance that is designed to protect, smoothen and/or render shiny certain types of floors, usually operated in combination with a polishing means to be rubbed on the floor by the appliance and commonly also equipped with the auxiliary functionality of a vacuum cleaner;
13. 'outdoor vacuum' means an appliance that is designed for use outdoors to collect debris such as grass clippings and leaves into a collector by means of an airflow created by underpressure developed within the unit and which may contain a shredding device and may also be able to perform as a blower;
14. 'full size battery operated vacuum cleaner' means a battery operated vacuum cleaner which when fully charged, can clean 15 m² of floor area by applying 2 double strokes to each part of the floor without recharge;
15. 'water filter vacuum cleaner' means a dry vacuum cleaner that uses more than 0.5 litre of water as the main filter medium, whereby the suction air is forced through the water entrapping the removed dry material as it passes through;

¹¹ OJ L 157, 9.6.2006, p. 24.

16. ‘household vacuum cleaner’ means a vacuum cleaner intended for household or domestic use, declared by the manufacturer as such in its Declaration of Conformity pertaining to Directive 2006/95/EC of the European Parliament and of the Council¹²;
17. ‘general purpose vacuum cleaner’ means a vacuum cleaner supplied with a fixed or at least one detachable nozzle designed for cleaning both carpets and hard floors or supplied with both at least one detachable nozzle designed specifically for cleaning carpets and at least one detachable nozzle for cleaning hard floors;
18. ‘hard floor vacuum cleaner’ means a vacuum cleaner supplied with a fixed nozzle designed specifically for cleaning hard floors, or supplied solely with one or more detachable nozzles designed specifically for cleaning hard floors;
19. ‘carpet vacuum cleaner’ means a vacuum cleaner supplied with a fixed nozzle designed specifically for cleaning carpets, or supplied solely with one or more detachable nozzles designed specifically for cleaning carpets;
20. ‘equivalent vacuum cleaner’ means a model of vacuum cleaner placed on the market with the same input power, annual energy consumption, dust pick up on carpet and hard floor, dust re-emission and sound power level as another model of vacuum cleaner placed on the market under a different commercial code number by the same manufacturer.

Article 3
Responsibilities of suppliers and timetable

1. Suppliers shall ensure that from 1 September 2014:
 - (a) each vacuum cleaner is supplied with a printed label in the format and containing the information set out in Annex II;
 - (b) a product fiche, as set out in Annex III, is made available;
 - (c) the technical documentation as set out in Annex IV is made available on request to the authorities of the Member States and to the Commission;
 - (d) any advertisement for a specific model of vacuum cleaner contains the energy efficiency class, if the advertisement discloses energy-related or price information;
 - (e) any technical promotional material concerning a specific model of vacuum cleaner which describes its specific technical parameters includes the energy efficiency class of that model.
2. The format of the label set out in Annex II shall be applied according to the following timetable:
 - (a) for vacuum cleaners placed on the market from 1 September 2014 labels shall be in accordance with label 1 of Annex II;

¹² OJ L 374, 27.12.2006, p. 10.

- (b) for vacuum cleaners placed on the market from 1 September 2017 labels shall be in accordance with label 2 of Annex II.

Article 4
Responsibilities of dealers

Dealers shall ensure that from 1 September 2014:

- (a) each model presented at the point of sale bears the label provided by suppliers in accordance with Article 3 displayed on the outside of the appliance or hung on it, in such a way as to be clearly visible;
- (b) vacuum cleaners offered for sale, hire or hire-purchase where the end-user cannot be expected to see the product displayed, as specified in Article 7 of Directive 2010/30/EU, are marketed with the information provided by suppliers in accordance with Annex V to this Regulation;
- (c) any advertisement for a specific model of vacuum cleaner contains a reference to the energy efficiency class, if the advertisement discloses energy-related or price information;
- (d) any technical promotional material concerning a specific model of vacuum cleaner which describes its specific technical parameters includes a reference to the energy efficiency class of the model.

Article 5
Measurement methods

The information to be provided under Articles 3 and 4 shall be obtained by reliable, accurate and reproducible measurement and calculations methods, which take into account the recognised state-of-the-art measurement and calculation methods, as set out in Annex VI.

Article 6
Verification procedure for market surveillance purposes

Member States shall apply the procedure set out in Annex VII when assessing the conformity of the declared energy efficiency class, cleaning performance classes, dust re-emission class, annual energy consumption and sound power level.

Article 7
Revision

The Commission shall review this Regulation in light of technological progress no later than five years after its entry into force. The review shall in particular assess the verification tolerances set out in Annex VII, whether full size battery operated vacuum cleaners should be included in the scope and whether it is feasible to use measurement methods for annual energy consumption, dust pick-up and dust re-emission that are based on a partly loaded rather than an empty receptacle.

Article 8
Transitional provision

This Regulation shall apply to water filter vacuum cleaners from 1 September 2017.

Article 9
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, 3.5.2013

For the Commission
The President
José Manuel BARROSO