

## **EXPLANATORY MEMORANDUM FOR EUROPEAN UNION LEGISLATION WITHIN THE SCOPE OF THE UK/EU WITHDRAWAL AGREEMENT AND WINDSOR FRAMEWORK**

C(2023)7671

Commission Regulation (EU) 2023/2533 of 17 November 2023 implementing Directive 2009/125/EC of the European Parliament and of the Council with regard to ecodesign requirements for household tumble dryers , amending Commission Regulation (EU) 2023/826, and repealing Commission Regulation (EU) No 932/2012

C(2023)04741

Commission Delegated Regulation (EU) 2023/2534 of 13 July 2023 supplementing Regulation (EU) 2017/1369 of the European Parliament and of the Council with regard to energy labelling of household tumble dryers and repealing Commission Delegated Regulation (EU) No 392/2012.

SEC(2023)272: Opinion of the regulatory Scrutiny Board

SWD(2023)252: Impact Assessment

SWD(2023)253: Impact Assessment Executive Summary

Submitted by Department for Energy Security and Net Zero, 9 February 2024

### **SUBJECT MATTER**

1. On the 17 November 2023, the EU adopted Commission Regulation (EU) 2023/2533 relating to household tumble dryers (“the Ecodesign Regulation”) which aims to reduce emissions, energy consumption and waste over the lifecycle of a product.
2. The Ecodesign Regulation sets out new and updated minimum requirements for household tumble dryers placed on the EU market, including:
  - Household tumble dryers must now include an eco-programme, which should be set as the default programme or available for direct selection.
  - The energy efficiency index must not be higher than 85.
  - The condensation efficiency of condenser tumble dryers must not be lower than 80%.

- Household tumble dryers must also now have an off-mode or a standby mode, or both. The power consumption in off-mode and standby mode must not exceed 0.50 W, with this reducing in off-mode further from 2027.
  - New rules on the availability of spare parts and access to repair and maintenance information.
  - User and installer instructions should also be provided in the form of a user manual.
3. In addition, on 13 July 2023, the EU adopted Commission Delegated Regulation (EU) 2023/4741 supplementing Regulation (EU) 2017/1369 of the European Parliament and of the Council with regard to energy labelling of household tumble dryers and repealing Commission Delegated Regulation (EU) No 392/2012 (“the Energy Labelling Regulation”). This will complement the Ecodesign Regulation by modifying and updating the energy label for tumble dryers placed on the EU market, by:
- A new definition of “guarantee” has been inserted, following the same approach as the Regulation on energy labelling for washing machines.
  - The energy efficiency classes in the energy label have been adapted to provide for an empty A class and a rescaling of the rest of the classes from B to G.
  - The new label will also display a new noise emission scale, and the condensation efficiency scale is modified.
  - Removing the icon of the energy powering the tumble dryer.
  - Adapting the measurement methods to weighing between full and partial loads and the delivery of the results per cycle instead of per year.
  - The information on the product information sheet is also adapted to the information included in the new label.
  - Annexes VII and VIII will replace Annex IV in Regulation (EU) No 392/2012 and will provide requirements about the information that needs to be displayed in distance selling.
  - The principles applicable to the verification procedure remain, although there will be a new validity criteria to ensure that the adequate humidity level is reached at the end of a test.
4. Lastly, on 1 December 2023, the EU adopted the Commission implementing decision C(2023) 8089 (“the Decision”), requesting the European standardisation organisations to revise standards EN 61121, EN 1458-2 and EN 60704-2-6 which will allow them to align with the provisions of the Ecodesign Regulation and the Energy Labelling Regulation. This would:

- Include detailed technical specifications of the principal performance characteristics of household tumble dryers and procedures for carrying out the tests on them related to the ecodesign requirements set out in the Ecodesign Regulation, with the results of these tests also being used for the energy labels set out in the Energy Labelling Regulation.

Note: C(2023)8089 has not been deposited for scrutiny but it was agreed with the Committees' officials that this document would also be referenced in this EM

## **SCRUTINY HISTORY**

5. This is the first time the EU has updated their Ecodesign and Energy Labelling Regulation for household tumble dryers since our exit from the EU.

There has been separate and related scrutiny of the EU's proposed regulation on a framework for setting ecodesign requirements for sustainable products (7854/22, COM(22)142). See also scrutiny of EU document C(23)2448 on ecodesign requirements for household and office equipment and C(23)3538 on smartphones, cordless phones and tablets

## **MINISTERIAL RESPONSIBILITY**

6. The Secretary of State for Energy Security and Net Zero has overall responsibility for existing Ecodesign and Energy Labelling Regulations.
7. The Secretary of State for Environment, Food and Rural Affairs has responsibility for resource efficiency policy in as much as it contributes to the minimisation of waste and protection of the natural environment.

## **INTEREST OF THE DEVOLVED GOVERNMENTS**

8. Ecodesign and energy labelling are reserved matters under the devolution settlements in Scotland, Wales and Northern Ireland.
9. Directive 2009/125/EC of the European Parliament and of the Council of 21 October 2009 establishing a framework for the setting of ecodesign requirements for energy-related products ("the Ecodesign Directive") is listed in Annex 2 to the Windsor Framework.
10. 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 is also listed in Annex 2 to the Windsor Framework.

## **LEGAL AND PROCEDURAL ISSUES**

11. The Ecodesign Regulation is an implementing measure made under Article 15 of the Ecodesign Directive. The Ecodesign Directive was itself based on

Article 95 of the Treaty establishing the European Community (now Article 114 TFEU) which is to be used for measures aiming at the establishment and functioning of the internal market.

12. The voting procedure is the regulatory procedure with scrutiny in accordance with Article 19(3) of the Ecodesign Directive. The Ecodesign Regulation came into force on 12 December 2023 and, other than Article 6, its provisions will apply from 1 July 2025.
13. Regulation (EU) 2017/1369 empowers the European Commission to adopt delegated acts as regards the labelling or re-scaling of the labelling of product groups representing significant potential for energy savings and, where relevant, other resources.
14. The Energy Labelling Regulation is a delegated act made under Article 16 of Regulation (EU) 2017/1369. It will come into force on 1 January 2024 and will apply from 1 July 2025.
15. The Decision is a standardisation request to the European Standardisation Organisations made under article 10 of Regulation (EU) No 1025/2012 of the European Parliament and of the Council of 25 October 2012 on European standardisation. It will expire on 30 November 2025 after the deadline of 30 June 2025 for the adoption of the harmonised standards.
16. The Ecodesign Regulation measure was made under the Ecodesign Directive which is listed in Annex 2 to the Windsor Framework. The Energy Labelling Regulation was made under Regulation (EU) 2017/1369 which is also listed in Annex 2 to the Windsor Framework.

## **POLICY AND LEGAL IMPLICATIONS**

17. The Regulations will apply in NI in accordance with the Windsor Framework. Products meeting these EU rules will have access to the GB market.
18. The Government is committed to increasing the environmental performance of energy-related products through greater energy efficiency and resource efficiency and in November 2021, the then Department for Business, Energy and Industrial Strategy published the Energy-related Products Policy Framework. This sets out how the Government plans to drive products to use less energy and other resources to help achieve Carbon Budgets 5 and 6 and to save consumers money on their energy bills. The Framework sets out priority products, focusing on areas offering the most carbon abatement potential.

19. The Department for Energy Security and Net Zero has commissioned research into the impact of divergence. This will help provide the evidence base to determine the Government's response to the new EU energy-related products regulations. Once this research is completed, we will work with NIE to examine impacts of divergence and we will update the committees further on impacts.

## **CONSULTATION**

20. As part of the EU Ecodesign and Energy Labelling Working Plan 2022-2024, the Commission was required to review household tumble dryers before the end of 2025. The Commission carried out the review and analysed the technical, environmental and economic aspects of household tumble dryers as well as real-life user behaviour. The review was carried out in close cooperation with stakeholders and interested parties from the Union and third countries. The results of the review were made public and presented to the Consultation Forum.

21. We will work closely with NIE to examine impacts.

## **FINANCIAL IMPLICATIONS**

22. The Commission's Impact Assessment suggested that SMEs belonging to the repair and maintenance sector will benefit strongly because of the proposed Ecodesign requirements on repairability and ease of disassembly. Not only would new repairers be attracted to the sector, but existing ones will also grow.

## **MINISTERIAL NAME AND SIGNATURE**

A handwritten signature in blue ink, appearing to read 'Martin Callanan', with a long horizontal flourish extending to the right.

Lord Callanan

Minister for Energy Efficiency and Green Finance

Department for Energy Security and Net Zero