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COMMISSION DELEGATED REGULATION (EU) …/...

of XXX

supplementing Regulation (EU) 2017/1369 of the European Parliament and of the Council with regard to the energy labelling of water heaters, solar devices, shower water heat recovery devices, packages of those products and hot water storage tanks, and amending and repealing Commission Delegated Regulation (EU) No 812/2013

(Text with EEA relevance)

EXPLANATORY MEMORANDUM

1. CONTEXT OF THE DELEGATED ACT

The EU has longstanding objectives to boost energy efficiency and reduce its greenhouse gas emissions. These objectives go hand in hand with other objectives to reduce the EU's environmental impact. In December 2019, the Commission presented the European Green Deal ([1]) to strengthen these objectives and to serve as the cornerstone of its strategy to fulfil the United Nations' 2030 Agenda for Sustainable Development ([2]). In September 2020, the Commission presented a climate target plan for 2030 ([3]). In line with the Paris Agreement ([4]), this climate target plan reflected the need for energy efficiency and renewable energy to play a greater role in the efforts to achieve a net 55% reduction in greenhouse gas emissions by 2030 compared with the 1990 baseline and do so most cost-effectively. The European Parliament and the Council subsequently agreed to reduce greenhouse gas emissions by this amount by 2030. The Commission followed suit by adopting the EU 'Fit for 55%' package ([5]), with a view to achieving the necessary cut in greenhouse gas emissions.

One pillar of the climate target plan and of the 'Fit for 55%' package is energy efficiency. In 2023, the Energy Efficiency Directive ([6]) upgraded the goal of reducing collective EU final energy consumption by 11.7% by 2030. In this context, the ecodesign and energy-labelling rules contribute to the Union's energy and decarbonisation objectives. Energy labelling enables consumers to identify and compare energy-efficient appliances with the aim of encouraging consumers to purchase products that are more efficient. Ecodesign measures remove the worst-performing appliances from the market by setting minimum energy-efficiency requirements below which no appliance can be placed on the market. Periodical reviews of the requirements set under these two frameworks ensure that mandatory requirements over the same products keep pace with market developments and technical progress.

Commission Delegated Regulation (EU) 812/2013 ([7]) (hereinafter referred to as "***the previous Regulation***") established energy labelling requirements for the placing on the market and/or putting into service of water heaters with a rated heat output ≤ 70 kW, hot water storage tanks with a storage volume ≤ 500 litres and packages of water heater and solar device offered to consumers. In order to ensure informed consumers purchasing decisions, products must be accompanied by an energy label showing their energy efficiency class ranging from A+++ (most efficient) to G (least efficient).

([1]) The European Green Deal, COM (2019) 640.
([2]) Transforming our world: the 2030 Agenda for Sustainable Development.
([3]) Stepping up Europe's 2030 climate ambition. Investing in a climate-neutral future for the benefit of our people, COM/2020/562 final.
([4]) OJ L 282, 19.10.2016, p. 4.
([5]) 'Fit for 55': delivering the EU's 2030 Climate Target on the way to climate neutrality, COM (2021) 550.
([6]) Directive (EU) 2023/1791 of the European Parliament and of the Council of 13 September 2023 on energy efficiency and amending Regulation (EU) 2023/955 (OJ L 231, 20.9.2023, p. 1 ELI: http://data.europa.eu/eli/dir/2023/1791/oj).
([7]) 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 devices (OJ L 239 6.9.2013, p. 83. ELI: http://data.europa.eu/eli/reg_del/2013/812/oj).

Regulation (EU) 2017/1369 ([8]) ("***the Energy labelling Framework Regulation***") in its Article 11(5) requires that the Commission reviews the requirements set for water heaters and hot water storage tanks under Commission Delegated Regulation 812/2013 and if appropriate adopt a delegated act establishing a consistent A to G scale by 2 August 2026 and in any event, no later than 2 August 2030.

The ecodesign and energy labelling working plan 2022-2024 ([9]) identified among its priorities the review of the existing ecodesign and energy-labelling requirements for water heaters, hot water storage tanks and related packages. It also stressed that ecodesign and energy labelling measures should contribute more to the circular economy, for example through systematic efforts to tackle material-efficiency issues such as durability and recyclability. The staff working document accompanying the "Ecodesign for sustainable products and energy labelling working plan for the period 2025-2030" ([10]) has confirmed that the assessment of the feasibility of updated requirements for this product group is in progress.

The review study launched in 2019 identified a number of issues that hinder progress and slow the adoption of more efficient alternatives as follows:

– The previous varying scale, from A+++ to G whereby fuel storage and instantaneous water heaters are rated among the top favourable energy classes, creates confusion among customers. In order to ensure further differentiation of products and facilitate comparison across different types of technologies, a simpler and homogeneous A to G scale must be set.

– Calculations of energy performance for products in scope must rely on the updated default value for the Primary Energy Factor (PEF) of 1,9 (called conversion coefficient (CC) in the present Regulation) set in Article 31 (3) of the Energy Efficiency Directive ([11]) that reflects more accurately the evolution of the EU average electricity mix.

– There is a need to bring clarity to the energy labelling obligations arising when water heaters are integrated with other components, namely solar device(s) and/or shower-water heat-recovery device(s) by the same supplier (called 'package' under the present Regulation). Packages are considered as single new energy products generating specific labelling and information obligations. The present Regulation clarifies that packages registering and labelling obligations do not affect any other labelling and information obligations set under this Regulation on the individual components of these packages.

– There is a need to specify the way dealers are to ensure that for any products or package on display, including for online distance selling, the label(s) are provided by

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([8]) 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, ELI:http://data.europa.eu/eli/reg/2017/1369/oj).

([9]) Communication from the Commission "Ecodesign and Energy Labelling Working Plan 2022-2024" (2022/C 182/01), OJ C 182, 4.5.2022, pp. 1-12.

([10]) "Implementation of the Ecodesign and Energy Labelling Working Plan 2022-24" Staff working document accompanying the Communication from the Commission of 16/04/2025 "Ecodesign for Sustainable Products and Energy Labelling Working Plan 2025-2030 (COM/2025/187 final).

([11]) Directive (EU) 2023/1791 of the European Parliament and of the Council of 13 September 2023 on energy efficiency and amending Regulation (EU) 2023/955 (OJ L 231, 20.9.2023, p. 1. ELI: http://data.europa.eu/eli/dir/2023/1791/oj).

the suppliers, including when installers submit written commercial offers to potential customers.

– The test and calculation methods should be updated to take recent technological advances into account. Additionally, there is too much complexity – and therefore a need for simplification – in the test and calculation methods for packages and solar devices.

2. CONSULTATIONS PRIOR TO THE ADOPTION OF THE ACT

Article 7 of Commission Delegated Regulation (EU) 812/2013 requires the Commission to review the requirements set under that Regulation in the light of technological progress. The Commission has analysed the technical, environmental and economic aspects of water heaters and hot water storage tanks, as well as real-life user behaviour of water heaters, and analysed possible options for improvement and their impact.

The review was undertaken in close cooperation with stakeholders and interested parties from the EU and non-EU countries. The review study was finalised in 2021.

The results of the review were made public and presented to the Consultation Forum established in accordance with Article 14 of Regulation (EU) 2017/1369 on 27 September 2021 (the 'Ecodesign and energy labelling Consultation Forum"). A second meeting of this Forum was held on 27 April 2023. The minutes, working documents and stakeholder comments received in writing before and after these meetings can be found on CIRCABC ([12]).

The draft regulation is supported by an impact assessment. A call for evidence to inform this impact assessment was published on the *Have your Say* portal from 3 March 2022 to 1 April 2022. The impact assessment was submitted to the Regulatory Scrutiny Board on 28 October 2022 and received a positive opinion on 1 December 2022.

The draft Regulation and its annexes were published for feedback during the period between XXX and XXX. [TO BE COMPLETED]

During this period, XXXX contributions were submitted. [TO BE COMPLETED]

The draft delegated regulation and its annexes were discussed with Member States at the Expert Group on Energy Labelling (E02854) on XX/XX/2025. The Commission took note of the comments of Member States' experts to finalise the text of the draft delegated regulation.

3. LEGAL ELEMENTS OF THE DELEGATED ACT

The present Regulation supplements the Energy Labelling Framework Regulation by laying down detailed energy-labelling and information requirements applicable to water heaters, solar devices, shower water heat recovery devices, packages of those products and hot water storage tanks, placed on the market or put into service.

Article 1: Scope

This Article outlines that energy labelling requirements under the present regulation are set for the following : (i) instantaneous water heaters with a rated heat output of 70 kW or less; (ii) storage water heaters with a storage volume not exceeding 2000 litres; (iii) hot water storage tanks with a storage volume not exceeding 2000 litres; (iv) cogeneration water heaters

([12]) ecodesign - Library.

with a maximum electrical capacity of less than 50 kW; and (v) packages of water heater(s) with at least one solar device and/or at least one shower-water heat-recovery device placed on the market or put into service by the same supplier. It also sets individual information requirements for solar devices and shower-water heat-recovery devices whether or not integrated into packages. In order to facilitate compliance, the scope of products covered under the present regulation is, to the extent possible, consistent with the one retained under Commission Regulation (EU) XXX/2026 ([13]), except for instantaneous water heaters where the 70 kW threshold is the one relevant and useful for consumers making purchasing decisions. It is also relevant to mention that Article 1 also outlines in a more precise than under the previous Regulation, those categories of water heaters which are exempted.

Article 3: Obligations of suppliers

This Article requires suppliers (i) to accompany heaters and/or packages with printed label(s), (ii) to enter the relevant information in the product database for all products covered by the present regulation, iii) to make available electronic labels and electronic product-information sheets and/or package-information sheets to dealers; iv) and to ensure that visual advertisements and technical promotional material include information on the energy class and range of energy efficiency classes of the labels of water heaters, packages and hot water storage tanks.

Article 4: Obligations of dealers

This Article specifies dealers' basic obligations to display labels close to water heaters, packages and hot water storage tanks in a visible manner also for online distance selling. Additionally, it clarifies that installers offering water heaters, packages or via written commercial offers are also to include the label(s) in their written offers. Finally, it refers to the specific requirements applicable to visual advertisements and technical promotional material for distance selling including online selling under Annex VI.

Article 5: Measurement and calculation methods

This Article lays down an obligation for suppliers to adopt the calculation methods set out under Annex VII and the transitional methods set out under Annex VIII.

Article 6: Verification procedure for market-surveillance purposes

This Article lays down the obligation to use the procedure defined in Annex IX for market surveillance purpose.

Article 7: Review

This Article mandates the Commission to carry out a review of this Regulation eight years after its date of entry into force in light of technological advancements, market changes and circular-economy considerations.

Article 8: Amendment of the Commission Delegated Regulation (EU) N° 812/2013

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([13]) Commission Regulation (EU) … of XXX setting ecodesign requirements for water heaters, solar devices, shower water heat recovery devices, packages of those products and hot water storage tanks, amending and repealing Commission Regulation (EU) 814/2013 *[the date (OJ Serie L, dd.mm.2026 ELI: http://data.europa.eu/eli/reg/2026/xxx/oj, to be published on the same date as the present Regulation – OP – Please insert reference]*.

This article amends Annexes I and VII to the Commission Regulation (EU) N° 812/2013 for as from entry into force of this regulation and until its last day of application or repeal set in Article 9 of the present Regulation. These amendments ensure that the "out of the box" mode becomes mandatory as one of the general testing conditions for water heaters set under Commission Regulation (EU) N° 812/ 2013.

Article 9 Repeal

This Article indicates that the present Regulation repeals Regulation (EU) 812/2013.

Article 10: Entry into force and application

This Regulation enters into force 20 days after publication. It establishes that rescaled labels must be shown in shops and on line 24 months after its entry into force. In preparation of this and as required under the Energy labelling framework Regulation, products placed on the market or put into service four months before the date of display of the rescaled label must be accompanied with both existing and rescaled labels to make the transition progressive.

The Annexes lay down the technical specifications as follows:

Annex I. Definitions. This Annex sets the definitions applicable to Annexes II to X of the Regulation.

Annex II: Energy-efficiency classes and acoustic airborne-noise-emission classes

This Annex sets a consistent scale of classes from A to G for water heaters and packages. It also provides for an empty A class and a rescaling of the rest of the classes from B to G. This annex also sets a new noise-emission scale from A to E for both indoor and outdoor noise. It also sets energy efficiency classes for hot water storage tanks, to be determined on the basis of their standing loss in a scale going from A to D.

Annex III: Label

This Annex updates the content and design of the label for water heaters and packages so as to provide consumers with more accurate information so that they can make better-informed decisions by comparing features across product types and technologies. In order to better inform on the variations of energy efficiency of the different energy efficiency classes, their boundary values are indicated for each class arrow on the label. Also, the label includes a scale of classes related to airborne noise emissions indoor and outdoor. Finally, the label also contains information on whether: (i) the product is interoperable; (ii) the product includes a heat pump, in which case an icon identifies refrigerants that are not fluorinated gases; and/or (iii) is equipped with a timer. For packages, the label shall in particular indicate the improvements in water heating efficiency of the package over the one of the product and the components of that particular package. Labels for hot water storage tanks classes help evaluate and compare the energy efficiency of hot water storage tanks based on their standing losses in a scale from A (more efficient) to D (less efficient), providing consumers with the information they need to choose an energy-efficient model.

Annex IV: Product-information sheet and package-information sheet

This Annex lays down the minimum content to be entered in the product database by suppliers. One of the novelties introduced by this Annex is that suppliers can display, present and adapt the format of the relevant information sheets to their specific products. Specific sections of this Annex are dedicated to solar devices and shower-water heat-recovery devices,

whether or not integrated into packages but also to product information on energy-smart appliances. Finally, this Annex states that digital access to comprehensive information available on the product database should be enabled by including the relevant references in user manuals or other documentation accompanying the product.

Annex VI: Information to be provided in visual advertisements, in promotional material, and in distance selling

Requirements about displaying products' energy class and range of classes of the label plus making available relevant information sheets in the case of distance selling, including via the internet, have been streamlined. These requirements apply to products and packages.

Annex VII: Measurements and calculations

The measurement and calculation methods include: (i) a completely revised calculation method for solar devices and those packages that incorporate solar devices; and (ii) the integration of the impact of shower-water heat-recovery devices on the water-heating energy efficiency of packages. The measurement and calculation method for ground-source heat exchangers has been simplified by selecting only one temperature level for a ground-source heat exchanger. Finally, the primary energy factor has been updated in accordance with the Energy Efficiency Directive.

Annex VIII: Transitional methods

In the absence of harmonised standards, the transitional calculation methods set out in Annex VIII should be used for conformity assessment and verification of compliance with the present Regulation.

Annex IX: Product-compliance verification by market-surveillance authorities

Verification tolerances have been made stricter where possible and new tolerances have been added for new parameters.

Annex X: Amendments to Commission Delegated Regulation (EU) N° 812/2013

Annex XI contains the amendments to Annexes I and VII to Commission Delegated Regulation (EU) N° 812/2013 that ensure that general testing conditions of water heaters include the 'out of the box mode' which was already mentioned in the Commission Communication setting transitional methods ([14]).

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([14]) Commission communication in the framework of the implementation of Commission Regulation (EU) No 814/2013 implementing Directive 2009/125/EC of the European Parliament and of the Council with regard to ecodesign requirements for water heaters and hot water storage tanks and 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 (Official Journal C 207, 3.7.2014, p. 22).

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supplementing Regulation (EU) 2017/1369 of the European Parliament and of the Council with regard to the energy labelling of water heaters, solar devices, shower water heat recovery devices, packages of those products and hot water storage tanks, and amending and repealing Commission Delegated Regulation (EU) No 812/2013

(Text with EEA relevance)

THE EUROPEAN COMMISSION,

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

Having regard 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]), and in particular Articles 11(5) and 16(1) thereof,

Whereas:

(1) Water heaters were part of the measures envisioned by the Ecodesign and Energy Labelling Working Plan 2022-2024 ([2]), as having an estimated potential to deliver in 2030 total annual primary energy savings in excess of 170 TWh and to reduce greenhouse gas emissions by approximately 24 million tonnes per year. In its communication adopting the "Ecodesign for sustainable products and energy labelling working plan for the period 2025-2030" ([3]), the Commission confirmed that work on energy labelling and ecodesign for water heaters is in progress.

(2) According to the latest information available, heating of water represents around 15 % of final energy consumed by households, 40 % of which correspond to water heaters. Water heaters consumed 109 TWh of final energy in 2020, which represents about 1 % of the total final energy consumption, or 2,5 % of the sum of the residential and commercial final energy consumption in the Union. Accurate, relevant and comparable information on the specific energy consumption of water heaters allows customers to predict the impact of their choices on their energy bills. This constitutes a significant contribution to the efforts towards reducing energy consumption and the decarbonisation of buildings.

(3) The Commission introduced energy-labelling requirements for water heaters in Delegated Regulation (EU) No 812/2013 ([4]). Article 7 of that Delegated Regulation

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([1]) OJ L 198, 28.7.2017, p.1, ELI: http://data.europa.eu/eli/reg/2017/1369/oj.

([2]) Communication from the Commission "Ecodesign and Energy Labelling Working Plan 2022-2024" (COM 2022 OJC 182/01) (OJ C 182, 4.5.2022, p. 1, ELI: http//data.europa.eu/eli/com/2022/182/oj).

([3]) Communication from the Commission 'Ecodesign for Sustainable Products and Energy Labelling Working Plan 2025-2030' (COM (2025) 187 OJC 187).

([4]) 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*, ELI: http//data.europa.eu/eli/reg_del/2013/812/oj).

requires the Commission to review its requirements in light of technological progress no later than five years after its entry into force.

(4) The review study shows that the energy labelling measures set out in Delegated Regulation (EU) No 812/2013 and the ecodesign measures set out in Commission Delegated Regulation (EU) No 814/2013 ([5]) helped to reduce the final energy consumption by 16 TWh/year in 2020, as compared to a business-as-usual scenario. The review study has assessed the significance of changes in market shares of the relevant technical developments in order to set updated energy labelling requirements.

(5) Water heaters and hot water storage tanks with equivalent functionality exhibit a wide disparity in terms of water heating energy efficiency and standing loss. The scope for reducing their energy consumption is significant and includes combining water heaters with appropriate solar devices and/or shower-water heat-recovery devices.

(6) According to the impact assessment, new ecodesign and energy labelling measures could reduce final energy consumption, greenhouse gas emissions and NOx emissions by respectively 20 TWh/year, 1,5 MtCO2-eq/year and 6,3 kt NOx by 2040. The results of the review were made public and presented to the Consultation Forum established in accordance with Article 14 of Regulation 2017/1369.

(7) To ensure that energy labels accurately communicate the innovative features of different products while also simplifying compliance of concurrent requirements for the same products for manufacturers, it is appropriate that the scope of the present regulation is to a large extent consistent with the one retained for ecodesign requirements ([6]). In this vein, energy labelling requirements should also be laid down for cogeneration water heaters with a maximum capacity of less than 50 kW, for water heaters with water-heating load profile with sizes 3XL to 4XL and for storage water heaters and hot water storage tanks with storage volumes up to 2000 litres covered by ecodesign requirements. On the contrary, for instantaneous water heaters energy labelling requirements should remain limited to those with a maximum standard-rated heat output of 70 kW for which energy labels are useful tools driving informed purchasing decision. For reasons of legal certainty and clarity, it is appropriate that the new updated and more comprehensive energy labelling requirements set under the present regulation fully replace those set under the previous regulation as from its entry into application.

(8) In order to inform customer on the potential of solar devices and shower-water heat-recovery devices to increase water-heating energy efficiency, it is appropriate to set the relevant information requirements independently of whether they are or not integrated in packages.

(9) In line with what is provided for packages under the ecodesign regulation, the improvements in energy efficiency obtained via the integration of at least one water heater covered by energy labelling requirements with at least one solar device and/or

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([5]) Commission Regulation (EU) No 814/2013 of 2 August 2013 implementing Directive 2009/125/EC of the European Parliament and of the Council with regard to ecodesign requirements for water heaters and hot water storage tanks (OJ L 239, 6.9.2013, p. 162, ELI: http://data.europa.eu/eli/reg/2013/814/oj)

([6]) Commission Regulation (EU) … of XXX setting ecodesign requirements for water heaters, solar devices, shower water heat recovery devices, packages of those products and hot water storage tanks, amending and repealing Commission Regulation (EU) 814/2013 *[the date (OJ Serie L, dd.mm.2026 ELI: http://data.europa.eu/eli/reg/2026/xxx/oj, to be published on the same date as the present Regulation – OP – Please insert reference]*.

shower-water heat-recovery device (which are considered packages under the present regulation) is communicated to potential customers via the corresponding energy label

(10) For reasons of legal certainty, it is necessary to clarify that only those heaters specifically designed for using biogas or bioliquids and which are not suitable for the use of other gaseous or liquid fuels are excluded from the present regulation. Also to avoid potentially contradictory requirements in terms of emissions and energy efficiency, space heaters covered by Directives 2010/75/EU ([7]) and EU/2015/2193 ([8]) should not be in the scope of this Regulation.

(11) In order to facilitate informed purchase decisions, it is appropriate to specify the way dealers offering for sale or displaying products, including for online distance selling, are to display the energy label and make available to customers the relevant product and/or package information sheets. With the aim of facilitating consumers' informed decisions, installers which as part of their commercial activity submit written offers either in paper or electronically to potential customers. should include in their written offers, the energy labels of the water heater or tank heater and of the package if relevant, either in printed or in electronical format, depending on the format of their written offer.

(12) In order to enable better informed choices across all technologies, customers need simple, relevant and comparable information on the energy use and other key features. A consistent scale from A-to-G for water heaters under the present regulation should therefore replace the previous one that included A+++ /A++/A+ classes. In the same vein, the energy efficiency value of the specific water heater and the energy efficiency boundaries for each class should be visible on the label.

(13) Harmonised format for labels ensures fair competition among products and helps consumers to understand and compare products energy performance of different water-heating solutions. In this vein, ensuring that the scale of energy classes for water-heating for combination boilers is consistent with the scale for dedicated water heaters, helps customers to make better informed decisions when choosing between different heating and water-heating solutions

(14) Noise emissions are one of the product's characteristics that, in order to be more accurately perceived by customers, should be part of the energy label of water heaters and packages. In addition to the information on indoor noise, the outdoor noise is more and more relevant as often constrained by local legislation, and consequently it should also be communicated via the energy label. To help customers to compare amongst various products, the information on noise should be communicated via adapted A to E scales for both indoor and outdoor noise.

(15) Where relevant, to accelerate the development of demand response, energy labels for energy smart water heaters and packages should also include information on the product's interoperability characteristics.

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([7]) Directive 2010/75/EC of the European Parliament and of the Council of 24 November on industrial emissions (integrated pollution prevention and control) (OJ L 334, 17.12.2010, p. 17, ELI http://data.europa.eu/eli/dir/2010/75/oj).

([8]) Directive (EU) 2015/2193 of the European Parliament and of the Council of 25 November 2015 on the limitation of emissions of certain pollutants into the air from medium combustion plants (OJ L 313, 28.11.2015, p. 1, ELI: http://data.europa.eu/eli/dir/2015/2193/oj).

(16) To support the deployment of refrigerants with low global warming potential, labels of heat pumps should also bear an indication of the low-global-warming-potential refrigerants they contain.

(17) Given that the studies undertaken indicate that storage tanks' efficiency have limited variability, a four-energy class system from A to D seems adequate.

(18) In the case of heat pumps and packages including solar devices whose performances vary under different climate conditions, it is relevant to request that information for average for colder and warmer climatic conditions is to be provided.

(19) In order to ensure access to detailed information available on the product's database after purchase, the necessary references should be included in the user manual or other documentation provided with the product and/or package.

(20) Calculation methods and measurement procedures should be updated and improved to reflect the latest technological and methodological advancements. In particular, the calculation method for solar devices and packages that incorporate one or more solar devices should be improved so that the energy efficiency of such systems can be assessed more accurately.

(21) Water-to-water heat pumps have been tested in either ground-source conditions (with brine at 0 °C) or ground-water conditions (with water at 10 °C). For a matter of simplification and since ground-source conditions are more common, those conditions should be used for energy labelling under this Regulation. Additionally, in order to better reflect average climate conditions, ground-source testing conditions should be changed to 5 °C instead of 0 °C presently used, which is representative of design conditions.

(22) Electricity consumption should be multiplied by the default Primary Energy Factor for the electricity conversion coefficient of 1,9 set out in Article 31(3) of the Energy Efficiency Directive ([9]) when calculating the water heating energy efficiency, as this is a primary energy efficiency metrics.

(23) To reward the potential of micro-cogeneration to displace traditional power plants and avoid electric grid losses, a higher primary energy factor (PEF) for electricity of 2.65 should be used to convert electricity generated into primary heat in the calculation of the space and water heating efficiencies in this regulation.

(24) It is necessary to improve legal certainty and to ensure level playing field with regard to water heaters' tested performances for conformity assessment and verification purposes. With that purpose, the general conditions for testing water heaters, in point 2 of Annex VII to Regulation (EU) 812/2013 should be amended in order to guarantee that water heaters tests are carried out in the out of the box mode as indicated in the Commission Communication setting transitional methods ([10]). A definition of "out of

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([9]) Directive (EU) 2023/1791 of the European Parliament and of the Council of 13 September 2023 on energy efficiency and amending Regulation (EU) 2023/955 (OJ L 231, 20.9.2023, p. 1. ELI: http://data.europa.eu/eli/dir/2023/1791/oj).

([10]) Commission communication in the framework of the implementation of Commission Regulation (EU) No 814/2013 implementing Directive 2009/125/EC of the European Parliament and of the Council with regard to ecodesign requirements for water heaters and hot water storage tanks and 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 (Official Journal C 207, 3.7.2014, p. 22).

the box mode" should be added in Regulation (EU) 812/2013 via an amendment to its Annex I.

(25) In order to provide for a smooth implementation of rescaled labels and avoid confusion on the part of customers, rescaled labels should be displayed, both in shops and online, as from dd.mm.yyyy *(a date 24 months after the entry into force of the present regulation - OP – Please insert reference)*. In the same vein, suppliers should accompany products placed on the market or put into service during the four months preceding that date with printed versions of both the existing label and the rescaled label.

(26) These amendments should apply as from date of entry into force of the present regulation and until the date of repeal of Regulation (EU) 812/2013 by the present regulation.

HAS ADOPTED THIS REGULATION:

Article 1

Scope

1. This Regulation shall apply to the energy labelling the provision of supplementary information of:
   (i) instantaneous water heaters with a rated heat output not exceeding 70 kW;
   (ii) storage water heaters with a storage volume not exceeding 2000 litres;
   (iii) cogeneration water heaters with a maximum electrical capacity of less than 50 kW;
   (iv) packages that consist of a water heater referred to in points (i) to (iii) combined with one or more solar devices and/or one or more shower-water heat-recovery devices, which are placed on the market or put into service by the same manufacturer and offered to the customer as a single finished product.
   (v) hot water storage tanks with a storage volume not exceeding 2000 litres.
2. It also applies to the provision of supplementary information concerning
   (i) solar devices;
   (ii) shower water heat recovery devices.
3. This Regulation shall not apply to:
   (a) water heaters specifically designed for using biogas or bioliquids, unless they are also suitable for the use of other gaseous or liquid fuels;
   (b) water heaters using solid fuels;
   (c) water heaters within the scope of Directives 2010/75/EU ([11]) and (EU) 2015/2193 ([12]) of the European Parliament and of the Council;

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([11]) Directive 2010/75/EC of the European Parliament and of the Council of 24 November on industrial emissions (integrated pollution prevention and control) (OJ L 334, 17.12.2010, p. 17, ELI http://data.europa.eu/eli/dir/2010/75/oj).

(d) water heaters which do not meet at least the load profile with the lowest reference energy as specified in Annex VII;

(e) water heaters intended for making hot drinks and/or preparing food only;

(f) cogeneration water heaters with a maximum electrical capacity of 50 kW or above;

(g) hot water storage tanks incorporated into thermosiphon/ICS solar devices.

Article 2

Definitions

For the purposes of this Regulation, the following definitions shall apply:

(1) 'instantaneous water heater' means a water heater which heats sanitary water on demand as it flows through the appliance;

(2) 'water heater' means a product that satisfies all the following conditions:

(a) is permanently connected to a domestic distribution system as defined in Article 2, point (2), of Directive (EU) 2020/2184 ([13]);

(b) is equipped with one or more water heater heat generators;

(c) is intended to be used to heat water for domestic purposes such as personal hygiene, washing, cleaning or cooking.

(3) 'heat generator' means the part of a water heater that generates heat using one or more of the following processes:

(a) the combustion of liquid and/or gaseous fuels;

(b) the conversion of electricity into heat, without the use of a thermodynamic cycle;

(c) the capture of ambient, geothermal and/or waste heat using a thermodynamic cycle, driven by combustion of fuels or electric energy;

(d) the electrochemical conversion of chemical energy from a fuel and an oxidising agent into heat and power;

(4) 'standard rated heat output' ($P_{rated,wh}$) means the heat output of the water heater when providing water heating at standard rating conditions, expressed in kW;

(5) 'hot water storage tank' means a vessel for storing hot water, including any additives, for water and/or space heating purposes, which is not equipped with any heat generator except possibly one or more back-up immersion heaters;

(6) 'standard rating conditions' means the operating conditions for establishing the rated heat output, water heating energy efficiency, sound power level and nitrogen oxide

([12]) Directive (EU) 2015/2193 of the European Parliament and of the Council of 25 November 2015 on the limitation of emissions of certain pollutants into the air from medium combustion plants (OJ L 313, 28.11.2015, p. 1, ELI: http://data.europa.eu/eli/dir/2015/2193/oj).

([13]) Directive (EU) 2020/2184 of the European Parliament and of the Council of 16 December 2020 on the quality of water intended for human consumption (OJ L 435, 23.12.2020, p. 1. ELI: http://data.europa.eu/eli/dir/2020/2184/oj).

emissions, of water heaters and for establishing the standing loss of hot water storage tanks;

(7) ‘storage water heater’ means a water heater equipped with one or more hot water storage tanks placed on the market as one unit;

(8) ‘storage volume’ (V) means the volume of water stored by a storage water heater or in a hot water storage tank for water and/or space heating purposes, or the equivalent volume in case the storage tank contains PCM materials, expressed in litres;

(9) ‘equivalent volume’ (V_{eq}) means a representation of the volume of a hot water storage tank containing PCM material, in litres;

(10) ‘phase changed material’ or ‘PCM material’ means a material that undergoes a transition between liquid and solid states at a temperature higher than the cold water inlet temperature and lower than or equal to the maximum water temperature at which the storage tank is allowed to be operated;

(11) ‘back-up immersion heater’ means a joule effect electric resistance water heater heat generator in a hot water storage tank which generates heat only when the main external heat source is disrupted (including during maintenance periods, or when solar irradiance is not sufficient to satisfy required comfort levels) or out of order;

(12) ‘cogeneration water heater’ or ‘CHPWH’ means a water heater that simultaneously produces sanitary hot water and electric energy in a single process;

(13) ‘solar device’ means the product and package component that consists of one or more solar thermal collectors and possibly one or more solar hot water storage tanks, collector pumps and controls, that is not equipped with a heat generator other than a back-up immersion heater, and is intended to be used to heat water for domestic purposes such as personal hygiene, washing, cleaning or cooking.

(14) ‘shower water heat recovery device’ means the product and package component where heat from spent shower water directed to sewage is transferred instantaneously to incoming cold water supplying the water heater and/or shower tap;

(15) ‘load profile’ means a sequence of water draw-offs, as specified in Annex III;

(16) ‘thermosiphon Integrated Collector Storage (ICS) solar device’ means a solar device designed to allow water circulation via natural convection, in which the solar thermal collectors and the hot water storage tanks are physically integrated components, or have been tested in unison in order to determine the solar device efficiency;

(17) ‘biogas’ means biogas as defined in Article 2, point (28), of Directive (EU) 2018/2001 of the European Parliament and of the Council ([14]);

(18) ‘bioliquids’ means bioliquids as defined in Article 2, point (32), of Directive (EU) 2018/2001.

For the purposes of Annexes II to IX, the definitions set out in Annex I shall apply.

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([14]) Directive (EU) 2018/2001 of the European Parliament and of the Council of 11 December 2018 on the promotion of the use of energy from renewable sources (recast) (PE/48/2018/REV/1) (OJ L 328, 21.12.2018, p. 82, ELI:https://eur-lex.europa.eu/eli/dir/2018/2001/oj/eng).

Article 3

Obligations of suppliers

1. Suppliers placing on the market or putting into service water heaters and hot water storage tanks shall ensure that:

   (a) a printed label complying with the format and containing the information set out in Annex III accompanies each water heater and hot water storage tank, including for water heaters included in packages;

   (b) where specifically requested by the dealer, the product-information sheet is provided in printed form;

   (c) the values for the parameters included in the product-information sheet, as set out in Annex IV, are entered in the public part of the product database and that, if a given parameter is not applicable for a given product, it is marked as not applicable (N/A) in an appropriate place in the product database;

   (d) the content of the technical documentation, as set out in Annex V, is entered in the product database and that, if a given part of that documentation does not apply to a given product, it is marked as not applicable (N/A) in an appropriate place in the product database;

   (e) any visual advertisement, including on the internet, relating to a specific model, contains the energy-efficiency class and range of energy-efficiency classes available on the label in accordance with Annex VI;

   (f) any technical promotional material concerning a specific model, including technical promotional material on the internet, that describes its specific technical parameters, includes the energy-efficiency class of that model and the range of energy-efficiency classes available on the label, in accordance with Annex VI;

   (g) an electronic label, in the format and containing the information set out in Annex III, is made available to dealers for each product;

   (h) an electronic product-information sheet, as set out in Annex IV, is made available to dealers for each product via a reference to the model in the product database.

2. Suppliers placing on the market or putting into service solar devices or shower-water heat-recovery devices whether integrated or not in a package, shall ensure that:

   (a) where specifically requested by the dealer, the product-information sheet is provided in printed form;

   (b) the values for the parameters included in the product-information sheet, as set out in Annex IV, are entered in the public part of the product database;

   (c) the values of the parameters entered in the product information-sheet are not more favourable than the declared values and that, if a given parameter does not apply to a given product, it is marked as not applicable (N/A) in an appropriate place in the product database;

   (d) the content of the technical documentation, as set out in Annex V, is entered in the product database and that, if a given component of the technical documentation does not apply to a given product, it is marked as not applicable (N/A) in an appropriate place in the product database;

(e) an electronic product-information sheet, as set out in section Annex IV, is made available to dealers for each product via a reference to the model in the product database.

3. In addition to the obligations set out in paragraphs 1 and 2, suppliers placing packages on the market or putting them into service shall ensure that:

(a) a package label complying with the format and containing the information set out in Annex III is provided in printed form, at least with the heat generator;

(b) where specifically requested by the dealer, the package-information sheet is provided in printed form;

(c) the values for the parameters included in the package information-sheet, as set out in Annex IV, are entered in the public part of the product database and that, if a given parameter does not apply to a given package, it is marked as not applicable (N/A) in an appropriate place in the product database;

(d) the values of the parameters entered in the package information-sheet are not more favourable than the declared values and that, if a given parameter does not apply to a given package, it is marked as not applicable (N/A) in an appropriate place in the product database;

(e) the content of the technical documentation, as set out in Annex V, is entered in the product database and that, if a given part of the technical documentation does not apply to a given package, it is marked as not applicable (N/A) in an appropriate place in the product database;

(f) any visual advertisement, including on the internet, relating to a specific model, contains the energy-efficiency class and the range of energy-efficiency classes available in accordance with Annex VI;

(g) any technical promotional material concerning a specific model, including technical promotional material on the internet, that describes its specific technical parameters, includes the energy-efficiency class of that model and the range of energy-efficiency classes available on the label, in accordance with Annex VI;

(h) an electronic label, in the format and containing the information set out in section of Annex II, is made available to dealers for each package;

(i) an electronic product-information sheet, as set out in Annex IV, is made available to dealers for each package via a reference to the model in the product database.

4. The water-heating energy-efficiency class and the acoustic airborne-noise-emission class of water heaters and, where relevant, of packages, and the standing loss class of hot water storage tanks shall be determined in accordance with Annex II and shall be calculated in accordance with Annex VII.

Article 4

Obligations of dealers

Dealers shall ensure that, for each water heater, hot water storage tank and where relevant for each package referred to in Article 1:

(a) the label of the water heater and where relevant of the package, and the label of the hot water storage tank are displayed in a manner that ensures that they are clearly visible and unequivocally associated with the relevant water heater, hot water storage tank or package;

(b) in the case of installers submitting written offers for water heaters, hot water storage tanks or packages, relevant labels are part of the documentation of the offer;

(c) for distance selling, including on the internet, the label of the water heater, the hot water storage tank and where relevant of the package, the relevant product information sheets and, where relevant, the package information sheet are provided in accordance with Annex VI;

(d) any visual advertisement of a water heater, a hot water storage tank or a package, including on the internet, makes reference to the energy-efficiency class and the range of energy-efficiency classes of the specific model in accordance with Annex VI;

(e) any technical promotional material that describes the specific technical parameters relating to a specific model of water heater, hot water storage tank or a package includes the energy-efficiency class of that model and the range of energy-efficiency classes available on the label in accordance with Annex VI.

Article 5

Measurement and calculation methods

The information to be provided pursuant to Articles 3 and 4 shall be obtained by reliable, accurate and reproducible measurement and calculation methods as set out in Annex VII and in accordance with the transitional calculation and measurement methods set out in Annex VIII, as appropriate.

Article 6

Verification procedure for market surveillance purposes

Member States shall apply the verification procedure laid down in Annex IX to this Regulation when performing the market surveillance activities required in Article 8 of Regulation (EU) 2017/1369.

Article 7

Review

The Commission shall review this Regulation to take into account technological progress no later than dd.mm.yyyy *[eight years after the date of entry into force of this Regulation - OP – Please insert reference]*. The review shall include an assessment of the following:

(a) significant changes in sales and market shares, and energy aspects of the different types of hot water storage tanks, water heaters and packages;

(b) the energy classes of hot water storage tanks, water heaters and packages and the design of the energy label;

(c) the possibility of addressing additional circular-economy aspects.

Article 8

Amendments to Commission delegated Regulation N° (EU) 812/2013

Commission Delegate Regulation (EU) 812/2013 is amended as follows:

Annexes I and VII are amended as set out in Annex X to this Regulation.

Article 9

Repeal

Commission Delegated Regulation (EU) No 812/2013 shall be repealed with effect from dd.mm.yyyy *[24 months after the date of entry into force of this Regulation - OP – Please insert reference]*.

Article 10

Entry into force and application

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

2. It shall apply from dd.mm.yyyy *[24 months after the date of entry into force of this Regulation - OP – Please insert reference]*. However, Articles 3(1), points (a) and (c), Article 3(2), point (b), and 3(3), points (a) and (c), shall apply from dd.mm.yyyy *[20 months after the date of entry into force of this Regulation - OP – Please insert reference]*. Also as an exception, Article 8 shall be applicable as from date of entry into force of this Regulation.

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

Done at Brussels,

For the Commission
The President
Ursula VON DER LEYEN