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COMMISSION DELEGATED REGULATION (EU) …/…

of XXX

supplementing Directive (EU) 2023/1791 of the European Parliament and of the Council and amending Commission Delegated Regulation (EU) 2024/1364 as regards the establishment of a common Union rating scheme for data centres

This draft has not been adopted or endorsed by the European Commission. Any views expressed are the preliminary views of the Commission services and may not in any circumstances be regarded as stating an official position of the Commission.

EXPLANATORY MEMORANDUM

1. CONTEXT OF THE DELEGATED ACT

The information and communication technology (ICT) sector is one of the fastest-growing sectors in Europe and globally. In 2023, data centres in the EU consumed [x] TWh. This consumption is expected to rise by [y] to [z] TWh by 2030, reaching [w%] of the electricity demand of the Union. These projections could be revised upwards considering the strong growth of emerging digital services and technologies[1]. The accelerated adoption of artificial intelligence[2] will be one of the main drivers of this growth, including in view of the EU's commitment to become a global player in artificial intelligence and a leading AI continent[3].

Beyond energy consumption, the expanding data centre sector poses a challenge for electricity grids, carbon emissions and environmental resources such as water. In response, the Union's digital strategy[4] emphasises the need for highly energy-efficient and sustainable data centres and calls for measures to ensure transparency from data centre operators about their environmental footprint.

As highlighted by Mario Draghi in his report of 9 September 2024 'The future of European competitiveness – A competitiveness strategy for Europe', using energy more efficiently is also vital for the competitiveness of European industries. By cutting energy, and hence operational costs, companies can reinvest in R&D, skills and jobs, and thereby boost Europe's competitiveness. Moreover, the European energy efficiency sector is a global technology leader, and – as highlighted in the Competitiveness Compass[5] for the EU – energy-efficient technologies are largely made in Europe, providing a competitive edge for the EU economy.

The report further underscores the necessity for increased generation and grid capacity to support the energy-intensive nature of maintaining data centres and training and operating AI models. It highlights the need for a comprehensive decarbonisation and competitiveness strategy to prevent potential constraints and ensure sustainable economic growth in Europe.

The Action Plan for Affordable Energy[6], adopted on 26 February 2025 as part of the Clean Industrial Deal[7], outlines key measures to build a genuine energy union that delivers on competitiveness, security, decarbonisation and just transition through a decarbonised energy system, driven by a substantial scale-up of clean energy and electrification, with energy efficiency at its centre.

On 13 June 2025, the Commission pledged a renewed commitment to energy efficiency and presented the energy efficiency roadmap[8] which identifies 10 priority areas to guide EU

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1 https://www.iea.org/energy-system/buildings/data-centres-and-data-transmission-networks.

2 https://www.iea.org/reports/energy-and-ai.

3 https://digital-strategy.ec.europa.eu/en/library/ai-continent-action-plan.

4 https://commission.europa.eu/publications/european-commission-digital-strategy_en.

5 Communication from the Commission to the European Parliament, the European Council, the Council, the European Economic and Social Committee and the Committee of the Regions 'A Competitiveness Compass for the EU', COM(2025) 30 final.

6 Communication from the Commission to the European Parliament, the European Council, the Council, the European Economic and Social Committee and the Committee of the Regions 'Action Plan for Affordable Energy unlocking the true value of our Energy Union to secure affordable, efficient and clean energy for all Europeans', COM/2025/79 final.

7 Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee, and the Committee of the Regions 'The Clean Industrial Deal: A joint roadmap for competitiveness and decarbonisation' COM(2025) 85 final.

8 https://energy.ec.europa.eu/topics/energy-efficiency/new-impetus-energy-efficiency_en.

action on energy efficiency. The roadmap aspires to streamline the implementation of EU energy efficiency rules, facilitate and enable increased uptake of energy efficiency measures and projects, and increase dialogues and partnerships that can inspire and inform better implementation on the ground.

One of the key deliverables of the roadmap is introducing a data centre energy efficiency package. As part of that package, this Delegated Regulation establishes a common Union scheme to rate the sustainability of data centres. It is adopted together with a Strategic roadmap for digitalisation and AI in the energy sector (COM(2026) XXX final) and a Commission proposal for a Cloud and AI Development Act (COM(2026) XXX final), a legislative initiative that aims to enhance Europe's cloud computing and AI capabilities.

Directive (EU) 2023/1791 (recast Energy Efficiency Directive, EED)[9] addresses the data centres sector and includes measures to gradually promote more energy-efficient and sustainable data centres. Article 12 of the recast EED requires Member States to mandate data centres to publish information on their energy performance and sustainability. Member States are to require data centres on their territory to make publicly available the information set out in Annex VII to the Directive. Article 12 also tasks the Commission with establishing an EU-level database containing this information in an aggregated form.

Articles 12 and 33(3) of the recast EED require the Commission to take further steps to ensure that the data centres sector adopts and implements more sustainable technologies and practices. In March 2024, the Commission adopted Delegated Regulation (EU) 2024/1364[10], as a first step towards establishing a common EU rating scheme for data centres. It introduced the European database on data centres and a reporting scheme for the collection of information and key performance indicators to be used for the EU rating scheme. As a second step, this Regulation sets out rules for how the information collected should be used for rating data centres by means of electronic labels issued by the European database on data centres.

The aim of the rating scheme is to increase transparency about the energy use of data centres and to become a resource that will inform better policy making and procurement of more sustainable digital assets and services across Europe.

Regarding its impact, the rating scheme is expected to allow comparison between data centres and promote new designs or appropriate efficiency interventions in new or existing data centres. These designs and interventions should not only lead to a considerable reduction of energy and water consumption, but also help promote the use of renewable energy, increase the efficiency of the grid, or facilitate the reuse of waste heat in nearby facilities and heat networks. It will allow relevant stakeholders, including industry, consumers, Member States, and the Commission to have, for the first time, reliable information on data centres and substantiate good practices and innovation that can deliver efficiency and sustainability.

To give an order of magnitude of the expected impact, data centres in Europe account for around [x%] of its total electricity consumption, [y%] of its total water consumption, while they could theoretically offer [z MWh] of waste heat to be reused by district heating networks and other users. In the long term, an improvement in the Power Usage Effectiveness (PUE) of

[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 (recast) (OJ L 231, 20.9.2023, p. 1, ELI: http://data.europa.eu/eli/dir/2023/1791/OJ).

[10] Commission Delegated Regulation (EU) 2024/1364 of 14 March 2024 on the first phase of the establishment of a common Union rating scheme for data centres (OJ L, 2024/1364, 17.5.2024, ELI: http://data.europa.eu/eli/reg_del/2024/1364/OJ).

a data centre from 1.6 to 1.2[11] can reduce the data centre's electricity consumption by 25%; an improvement on the Water Usage Effectiveness (WUE) of a data centre from [a] to [b] can reduce the data centre's water consumption by [x%]; reusing an average of 20% of all data centres' waste heat can cover [y%] of the total heating demand in Europe.

The rating scheme will build on the reporting scheme laid down by Commission Delegated Regulation (EU) 2024/1364. The indicators displayed on the label have been selected among those already reported by data centre operators to the European database. They have been identified as the most pertinent to fulfilling the objectives of this Regulation during the consultation with the stakeholders. In addition, the information presented on the label respects the integrity of trade and business secrets and confidentiality concerns, in accordance with Article 12(1) of Directive (EU) 2023/1791, and closely follows the data presented to the public under Annex IV of Commission Delegated Regulation (EU) 2024/1364.

The thresholds for each indicator have been set based on analysis of the data submitted by data centre operators during the first reporting period and assessment of existing legislation, initiatives, benchmarks and standards. This analysis was also discussed with stakeholders and Member States during the consultation phase, and the results were presented in a public technical report[12]. The selected indicators and thresholds will be reviewed and may be revised in the future to accommodate technological progress, improve the effectiveness of the scheme and strive for higher sustainability standards, in accordance with Article 5 of this Regulation.

This Regulation is part of an ongoing effort of simplification and harmonisation across EU policies. By leveraging already reported data, it makes sure that no additional burden is put on Member States and data centre operators. The label will be created automatically by the reporting platform at the end of each reporting period for all reporting data centres. The rating scheme is intended to harmonise approaches across EU Member States and will be used to assess the sustainability of data centres in future legislation, including in the Cloud and AI Development Act. It has also been considered in the review of the Climate and Environmental Delegated Acts under the Taxonomy Regulation.

The reporting scheme established by the Regulation should also be used as one of the main data sources for the reporting on energy consumption in data centres established by Eurostat in 2022 in the Energy Statistics Regulation[13], in order for data centre operators to avoid reporting the same data twice to national authorities managing the database and national statistical institutes and other national authorities reporting to Eurostat.

The buildings hosting data centres are also covered by the Energy Performance of Buildings Directive (EPBD)[14]. The EPBD promotes the improvement of the energy performance of buildings and includes, inter alia, obligations on the minimum energy performance of buildings and individual building elements and provisions on energy performance certificates for buildings and building units. Buildings hosting data centres will fall both under the EPBD provisions on energy performance certificates and the rating scheme for data centres. However, there is no overlap between the two provisions.

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11 That is, from the current estimated average PUE in Europe to an average PUE achievable with the best technology available today.

12 https://op.europa.eu/s/AaZZ.

13 Regulation (EC) No 1099/2008 of the European Parliament and of the Council of 22 October 2008 on energy statistics (OJ L 304 14.11.2008, p.1, ELI: http://data.europa.eu/eli/reg/2008/1099/2024-02-07).

14 Directive (EU) 2024/1275.

In addition, this Regulation considers and aligns with other upcoming Commission initiatives like the Electrification Action Plan[15] and the Heating and Cooling Strategy[16], both expected to be adopted in Q2 2026.

By amending Commission Delegated Regulation (EU) 2024/1364, this Regulation also seeks to improve specific aspects of the reporting that will allow for a label of sufficient quality and consistency to deliver its intended or expected objectives. In this sense, all proposed amendments to Commission Delegated Regulation (EU) 2024/1364 are consequential to the self-standing provisions of this Regulation.

First, the proposed amendments introduce necessary elements that make the whole process of the rating scheme seamless to its users (e.g. the introduction of a stricter timeline for the reporting on which the labels rely, an amendment of the confidentiality clause to allow for the publication of the labels, etc.).

Then, the proposed amendments introduce new definitions (e.g. the "waste heat reuse ready" data centre) to mirror the information that will be shown on the label. They improve or replace existing definitions (e.g. for E_{DC}, $E_{RES\text{-}TOT}$, location, grid functions, and WUE) to better serve the needs of the label and increase the consistency of and trust in the information shown. The definitions are also amended to ensure consistency with existing and recently adopted initiatives. For example, the replacement of 'potable water input' by 'freshwater input' aligns with the existing EU water framework, including the Water Framework Directive[17] and the European water resilience strategy[18], and will allow the use of the introduced label in these contexts as well.

The amendments build on the assessment of the reporting scheme introduced by the previous regulation[19] and simplify it by removing some indicators (such as the data traffic indicators) which will not be used in the label and, in addition, whose reporting was creating difficulties for specific sections of the industry and could hinder their effort to obtain a label. They also introduce the possibility for smaller or under construction data centres to report and obtain a label.

Finally, the proposed amendments better explain the role of the Commission and of Member States in the reporting process, so as to achieve the timely generation of the labels.

2. CONSULTATIONS PRIOR TO THE ADOPTION OF THE ACT

The decision to establish a common Union scheme to rate the sustainability of data centres and the way to develop it was subject to a thorough and wide consultation process. This process was vital in identifying the necessary steps to prepare the common Union scheme and the sustainability indicators that will appear on the label. To prepare this Delegated Regulation, a technical assistance study[20] (January 2025 to November 2025) was procured. It

15 https://energy.ec.europa.eu/topics/eus-energy-system/electrification_en.

16 https://energy.ec.europa.eu/topics/energy-efficiency/heating-and-cooling_en.

17 Directive 2000/60/EC of the European Parliament and of the Council of 23 October 2000 establishing a framework for Community action in the field of water policy.

18 Communication COM/2025/280 from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions, European water resilience strategy.

19 https://op.europa.eu/en/publication-detail/-/publication/83be4c3e-5c79-11f0-a9d0-01aa75ed71a1/language-en.

20 'Technical Assistance in support of implementing Article 12(5) of Directive 2023/1791 on the energy performance and sustainability of data centres'.

helped to define the scope, the key performance indicators and other important elements to evaluate, as well as the classes and thresholds to use when rating the sustainability of data centres in the Union.

Four stakeholder workshops (with around 150 participants on average for each one) took place from February 2025 to July 2025.

The study team carried out two online surveys on 'the needs and feasibility of establishing a common EU-wide rating scheme and minimum performance standards for data centres' receiving 105 and 145 replies respectively from data centre owners and operators, EU and national industry associations, technology providers and academic institutions.

It also carried out 14 targeted interviews with selected stakeholders of the data centre ecosystem.

Moreover, stakeholders were systematically consulted in the different stages of the preparatory work. Several meetings with private (industry, associations) and public (Member States, regulators) stakeholders, or participation in their events, took place in the same period.

Two reports from the technical study have been published. The first technical report[21] analysed the energy efficiency and sustainability of European data centres based on the reported data and evaluated all aspects of the reporting scheme, feeding the reflection on the simplification of the reporting scheme. The second technical report[22] assessed the need for a common EU rating scheme for data centres, a potential scheme for minimum performance standards and a transition towards a net-zero emission data centres sector, and identified and proposed ways to implement them.

During this time, Member States were consulted, both within the EED Experts Group[23] and in bilateral meetings. Three meetings of the EED Experts Group took place on 13 March 2025, 18 June 2025 and 9 October 2025 where the Commission updated the Member States on the latest developments of the Delegated Regulation and Member States could share their views.

The Commission presented the findings of the study's first technical report at the Working Party for Energy on 2 September 2025. The findings of the second technical report were presented at the Working Party for Energy on 6 November 2025.

An inter-service consultation[24] took place between 10 February 2026 and 24 February 2026 and the text was amended to take into consideration comments made by the consulted DGs.

A publication for feedback[25] took place between [xx] and [xx]. The text was amended to take into consideration comments made by stakeholders.

[2] meetings of the Expert Group took place on 17 December 2025 and 22 January 2026. The text was amended to take into consideration comments made by Member States.

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21 European Commission: Directorate-General for Energy, AIT, Borderstep and EY, *Assessment of the energy performance and sustainability of data centres in EU – First technical report*, Publications Office of the European Union, 2025, https://data.europa.eu/doi/10.2833/3168794.

22 European Commission: Directorate-General for Energy, AIT, Borderstep and EY, *Assessment of next steps to promote the energy performance and sustainability of data centres in EU, including the establishment of an EU-wide rating scheme – Second technical report*, Publications Office of the European Union, 2025, https://data.europa.eu/doi/10.2833/0828045.

23 Group of Experts on the Energy Efficiency Directive (E03228).

24 Consultation ISC/2026/00504.

25 Publication for feedback 2026/zzz.

A non-exhaustive list of existing legislation, initiatives and standards relevant to the common Union scheme that were consulted or used in the preparation of this Regulation includes the European Code of Conduct for energy efficiency in data centres[26], the EU Green Public Procurement criteria for data centres[27], the CEN/CENELEC 50600-4 framework[28], the CLC/TS 50600-5-1 Maturity Model[29] and the work of the European standardisation organisations in general[30], the Data Centers (DE-UZ 228) scheme[31], the French Decree No 2019-771[32], the German Energy Efficiency Act[33], the PEER-DC project (Public Energy Efficiency Register of Data Centres)[34], the work of IEA-4E and EDNA[35], the UNEP U4E's Sustainable Procurement Guidelines for data centres and servers[36], the Oeko Institut's proposal for an energy efficiency label for data centres[37], the work of The Green Grid[38], and the Climate Neutral Data Centres Pact[39].

3. LEGAL ELEMENTS OF THE DELEGATED ACT

In accordance with Article 33(3) of the recast EED, the Commission is empowered to adopt delegated acts to establish a common Union scheme for rating the sustainability of data centres located in the Union. This Regulation supplements Directive (EU) 2023/1791 of the European Parliament and of the Council, amends Commission Delegated Regulation (EU) 2024/1364 and establishes the common Union rating scheme for data centres by setting out obligations for the different stakeholders, on the content and creation of the data centre labels that accompany the scheme.

This Regulation includes seven articles. They cover the establishment of the rating scheme, and definitions of terms. They set out the rules around the generation of labels and the obligations to be fulfilled in the rating scheme framework by the data centre operators. Finally, they introduce amendments to Commission Delegated Regulation (EU) 2024/1364 and explain how the rating scheme should be periodically reviewed and revised.

The Regulation's three Annexes define the PUE and WUE classes used in the data centre label (Annex I); and the data centre label to be introduced (Annex II). Finally, they amend the Annexes of Commission Delegated Regulation (EU) 2024/1364 (Annex III).

26 https://joint-research-centre.ec.europa.eu/scientific-activities-z/energy-efficiency/energy-efficiency-products/code-conduct-ict/european-code-conduct-energy-efficiency-data-centres_en.
27 https://publications.jrc.ec.europa.eu/repository/handle/JRC118558.
28 https://ictfootprint.eu/en/en-50600-4-factsheet-0.
29 https://www.cencenelec.eu/news-and-events/news/2022/eninthespotlight/2022-05-30-a-new-standard-for-the-green-deal/.
30 https://www.cencenelec.eu/media/CEN-CENELEC/AreasOfWork/CEN%20sectors/Digital%20Society/Green%20Data%20Centres/standardizationlandscapegdc_edition8_2021.pdf.
31 https://www.blauer-engel.de/en/productworld/data-centers.
32 https://www.legifrance.gouv.fr/jorf/id/JORFTEXT000038812251.
33 https://energiewende.bundeswirtschaftsministerium.de/EWD/Redaktion/EN/Newsletter/2023/09/Meldung/topthema.html.
34 https://peer-dc.de/wirken-sie-mit/.
35 https://www.iea-4e.org/edna/.
36 https://united4efficiency.org/resources/sustainable-procurement-guidelines-for-data-centres-and-computer-servers/.
37 https://www.oeko.de/fileadmin/oekodoc/Oeko-Institut_energy-efficiency-label-for-data-centres.pdf.
38 https://www.thegreengrid.org/.
39 https://www.climateneutraldatacentre.net/.

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supplementing Directive (EU) 2023/1791 of the European Parliament and of the Council and amending Commission Delegated Regulation (EU) 2024/1364 as regards the establishment of a common Union rating scheme for data centres

THE EUROPEAN COMMISSION,

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

Having regard to 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[40], in particular Article 33(3) thereof,

Whereas:

(1) The energy consumption of the information and communication technology (ICT) sector is becoming increasingly significant in the Union and globally. The electricity demand of data centres is expected to reach [x%] of the Union total by 2030, a [y%] increase compared to 2023.

(2) The Union's digital strategy[41] highlights the need for highly energy-efficient and sustainable data centres and calls for transparency measures regarding their environmental footprint.

(3) Directive (EU) 2023/1791 addresses energy efficiency by setting energy efficiency targets at Union level and establishing a common framework of measures to promote energy efficiency within the Union. Moreover, Directive (EU) 2023/1791 aims to contribute to achieving a modern, resource-efficient and competitive economy in the Union, including by putting in place a common Union scheme for rating the sustainability of data centres.

(4) Pursuant to Article 12 of Directive (EU) 2023/1791, Member States are to require owners and operators of data centres to make publicly available the information regarding their data centres set out in Annex VII to that Directive.

(5) Commission Delegated Regulation (EU) 2024/1364[42] set up a reporting scheme for the sustainability of data centres and defined the first set of key performance indicators, measurement methodologies and sustainability indicators.

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40 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).

41 Decision (EU) 2022/2481 of the European Parliament and of the Council of 14 December 2022 establishing the Digital Decade Policy Programme 2030 (OJ L 323, 19.12.2022, p. 4, ELI: http://data.europa.eu/eli/dec/2022/2481/oj).

42 Commission Delegated Regulation (EU) 2024/1364 of 14 March 2024 on the first phase of the establishment of a common Union rating scheme for data centres. (OJ L, 2024/1364, , ELI: http://data.europa.eu/eli/reg_del/2024/1364/oj).

(6) It also introduced the European database on data centres, referred to in Article 12 of Directive (EU) 2023/1791. That database provides a common user interface as well as a common application programming interface for data centres to communicate the information and key performance indicators set out in Annexes I and II of Commission Delegated Regulation (EU) 2024/1364.

(7) The database allows national competent authorities to verify which data centres communicated information and key performance indicators as well as the quality of those reports before submitting the data to the European Commission. The database also aims to serve as one of the main data sources for the reporting of energy consumption in data centres established by Regulation (EC) 1099/2008.

(8) The database became operational in September 2024, and two reports, in 2024 and 2025, have so far been accomplished. The first reports have allowed the Commission to assess the reporting scheme and propose changes and improvements to the scheme.

(9) To ensure better quality and consistency of the information and key performance indicators communicated to the European database, the user interface of the database should implement logical and conditional checks. These should be accompanied by warning messages and recommendations that should guide users in avoiding identified errors. The Commission should communicate a list of all these checks to Member States, so that such checks shall be performed by the national reporting schemes, in case such a scheme exists in a Member State, before submitting the data and key performance indicators to the European database.

(10) A common Union rating scheme for data centres, through the introduced label, can provide reliable and transparent information on data centres in the Union, classify them based on this information, and allow for evidence-based comparisons among data centres that are located in the same area, or have similar characteristics. It gives visibility to good practices and promotes new designs or appropriate efficiency interventions in new or existing data centres that can reduce energy and water consumption, promote the use of renewable energy, increase the efficiency of the grid, or promote the reuse of waste heat in nearby facilities and heat networks.

(11) To ensure that no additional burden is put on Member States and data centre operators, data centres should be rated by means of electronic labels generated automatically by the reporting platform, based on the information and key performance indicators communicated by data centre operators to the European database in accordance with Commission Delegated Regulation (EU) 2024/1364.

(12) To support Member States and users in making best use of the label, taking into full consideration national specificities such as climatic conditions, the label should be accompanied by a document contextualising the key performance indicators.

(13) To ensure transparency on the environmental footprint of data centres, the label for data centres should be made publicly available in electronic form to any physical or legal person requesting it.

(14) The indicators displayed on the label for data centres should be selected among those already communicated by data centre operators to the European database and identified as the most relevant ones for achieving the objectives of this Regulation, while also respecting trade and business secrets and confidentiality concerns.

(15) To ensure a simplified, consistent and high-quality reporting to the European database on data centres that will enable the creation of the label and standardise the use of indicators across policy initiatives, there is a need to amend some of the indicators and

calculation methodologies in the reporting scheme introduced by Commission Delegated Regulation (EU) 2024/1364.

(16) The need to amend Commission Delegated Regulation (EU) 2024/1364 also stems from additional elements that the label should enable, such as reporting from small and under construction data centres and the opportunity for Member States to exercise their market surveillance functions in a reasonable time.

(17) To evaluate the effectiveness of the rating scheme, to follow future technological progress and to pursue high sustainability ambitions, this Regulation should be reviewed every three years.

(18) The Commission has consulted the experts designated by each Member State in accordance with Article 34 of Directive (EU) 2023/1791 and gathered observations on the scope and key elements of the common Union rating scheme set out in this Delegated Regulation.

(19) The Commission has consulted relevant stakeholders both via a public call for feedback and a series of public consultation activities that took place as part of a technical assistance project in 2025,

HAS ADOPTED THIS REGULATION:

Article 1

Establishment of the rating scheme

1. This Regulation establishes a common Union scheme for rating the sustainability of data centres in the Union.

The European database on data centres established by Commission Delegated Regulation (EU) 2024/1364 (‘the European database’) shall rate data centres by means of electronic labels issued based on information and key performance indicators communicated by data centre operators to the European database.

2. For the purpose of issuing a label for data centres, the European database shall use the Power Usage Effectiveness (PUE) and Water Usage Effectiveness (WUE) classes based on the indices calculated in accordance with Annex I.

Article 2

Definitions

For the purposes of this Regulation, the definitions of Commission Delegated Regulation (EU) 2024/1364 shall apply. In addition, the following definition applies:

‘quick-response (QR) code’ means a matrix barcode included on the label of the data centre that links to the location in the publicly accessible space of the European database where this label is stored.

Article 3

Generation of labels

1. By 15 August 2027 and every year thereafter, an electronic label in the format set out in Annex II shall be automatically generated by the European database and supplied by electronic means to data centres that have communicated information and key performance

indicators to the European database in accordance with Article 3 of Delegated Regulation (EU) 2024/1364.

2. Labels for data centres shall be publicly available in electronic form in the European database in all official languages of the Union.

3. A label for data centre is valid from 15 August of the year in which it was issued until 15 August of the following year. Where a Member State, on whose territory a data centre is located, has not indicated to the European database by 15 August that the reporting of the data centres located on their territory has been completed in accordance with Article 3 of Commission Delegated Regulation (EU) 2024/1364, the validity of the label of that data centre shall be extended until the reporting has been completed and a new label has been automatically issued or, at the latest, until 31 December of the same calendar year.

Article 4

Obligations of data centre operators

1. Data centre operators shall ensure that the label issued in accordance with Article 3 is made available in electronic form to any physical or legal person requesting it. For this purpose, data centre operators can refer to a free-access website they manage or to the European database.

2. Data centre operators shall not produce or display labels mimicking the label defined and issued in accordance with this Regulation.

Article 5

Amendments to Commission Delegated Regulation 2024/1364

Commission Delegated Regulation (EU) 2024/1364 is amended as follows:

(1) in Article 2, the following points (16) to (19) are added:

‘(16) ‘waste heat reuse ready’ means a data centre that is designed (new data centre) or retrofitted (existing data centre) to capture and provide waste heat to external users at the data centre boundary, including the installation of infrastructure for heat extraction such as heat exchangers, dedicated hydraulic loops, thermal metering, and irrespective of the existence of heat upgrade technologies within the data centre boundary or of heat transfer network outside the data centre boundary;

(17) ‘freshwater’ means water with a mean annual salinity corresponding to the value indicated for freshwater in Annex II, section 1.2.3 and 1.2.4 of Directive 2000/60/EC[43] establishing a framework for Community action in the field of water policy, regardless of its origin;

(18) ‘closed cooling water system’ means a system that circulates a fixed volume of water in a sealed loop to remove heat from equipment while preventing direct exposure to the atmosphere;

[43] Directive 2000/60/EC of the European Parliament and of the Council of 23 October 2000 establishing a framework for Community action in the field of water policy (ELI: http://data.europa.eu/eli/dir/2000/60/oj)

(19) ‘semi-closed cooling water system’ means a hybrid system where water circulates in a partly closed loop, reducing contamination and water losses while using evaporative cooling for heat rejection.’;

(2) Article 3 is amended as follows:

(a) paragraph 1, the following subparagraphs are added:

‘If a data centre is used for, or provides its services exclusively with the final aim of, supporting the defence and civil protection of a Member State, the data centre operator shall be exempt from communicating to the European database the information and key performance indicators set out in Annexes I and II regarding the data centre, regardless of the Member State that the data centre is located in.

After data centre operators have communicated to the European database the information and key performance indicators set out in Annexes I and II regarding the data centres they operate, Member States shall be given the opportunity to carry out market surveillance tasks. Starting in 2026 and every year thereafter, Member States shall indicate to the European database whether the reporting of the data centres located on their territory has been completed by 15 August of the same year. For this purpose, a national reporting scheme may be used where a Member State has established such a scheme.’;

(b) paragraph 3 is replaced by the following:

‘3. If a colocation data centre operator cannot monitor and gather the necessary data to sufficiently calculate the key performance indicators referred to in points 2(a) and 2(b) of Annex II for the whole data centre computer room floor area, it shall estimate and indicate the percentage of the data centre computer room floor area that the information communicated to the European database covers.

Colocation data centre operators may set up an internal reporting mechanism, if necessary, on an anonymous basis, to gather the key performance indicators set out in Annex II from their colocation customers.

For the first three reporting periods, if a data centre operator cannot monitor and gather one or more of the key performance indicators set out in Annex II, paragraph 3, for technical reasons, the data centre operator may omit this information, explaining the reasons for this omission’;

(c) the following paragraphs 5 to 7 are inserted:

‘5. Operators of data centres with an installed information technology power demand of less than 500 kW may voluntarily participate in the common Union scheme for rating the sustainability of data centres. To do so, they shall communicate to the European database the information and key performance indicators set out in Annexes I and II by the deadline set out in paragraph 1.

6. Operators of data centres that have not yet entered into operation may voluntarily participate in the common Union scheme for rating the sustainability of data centres. To do so, they shall communicate to the European database the key performance indicators set out in Annexes I and II that the data centre is designed or expected to achieve after two calendar years of operation by the deadline set out in paragraph 1.

These data centre operators shall report to the European database the actual data and key performance indicators that result from the operation of the data centre, as of the first year of operation of the data centre, in accordance with paragraph 1.

7. The information and key performance indicators communicated to the European database shall be obtained by reliable, accurate and reproducible measurement and calculation methods, which consider recognised state-of-the-art measurement and calculation methods or, where such recognised measurement and calculation methods are not available, by well-founded and reproducible assumptions and estimates.';

(3) in Article 5, paragraph 5 is replaced by the following:

'5. The Commission and Member States concerned shall treat as confidential all information and key performance indicators for individual data centres that are communicated to the database pursuant to Article 3. With the exception of the information that is part of the label defined in Commission Delegated Regulation (EU) 2026/xx[44] and in the form in which it appears on the label, such information shall be considered confidential information affecting the commercial interests of operators and owners of data centres in accordance with Article 4(2) of Regulation (EC) 1049/2001 of the European Parliament and of the Council[45] regarding public access to European Parliament, Council and Commission documents and Article 4(2)(d) of Directive 2003/4/EC of the European Parliament and of the Council[46] on public access to environmental information.';

(4) Annexes I, II, III and IV are amended as set out in Annex III to this Regulation.

Article 6

Review

By 31 March 2029 and every three years thereafter, the Commission shall assess this Regulation in light of technological progress and the periodic assessments of the data communicated to the European database and submit a report to the European Parliament and to the Council, accompanied, where appropriate, by a revision of this Regulation. This assessment shall include, among others, the possibility to:

(a) address additional sustainability, climate and environmental aspects;

(b) change the scales used in the label, adapt their values, or add multiple scales per data centre sustainability indicator;

(c) introduce an indicator that aggregates the data centre sustainability indicators and rates the sustainability of each data centre;

(d) introduce indicators to measure the performance of the ICT equipment energy use;

(e) introduce (partial) certification or auditing of the reported data;

(f) introduce icons in the label relating to additional information and key performance indicators communicated to the European database;

(g) review and update the document that accompanies the labels, in accordance with Annex II, point 1(c); and

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44 Delegated Regulation (EU) 2026/xx, Supplementing and amending Delegated Regulation (EU) 2024/1364 as regards the establishment of a common Union rating scheme for data centres (OJ…, ELI:…)

45 Regulation (EC) No 1049/2001 of the European Parliament and of the Council of 30 May 2001 regarding public access to European Parliament, Council and Commission documents (OJ L 145, 31.5.2001, p. 43, ELI: http://data.europa.eu/eli/reg/2001/1049/oj)

46 Directive 2003/4/EC of the European Parliament and of the Council of 28 January 2003 on public access to environmental information and repealing Council Directive 90/313/EEC (OJ L 41, 14.2.2003, p. 26, ELI: http://data.europa.eu/eli/dir/2003/4/oj).

(h) simplify aspects of the reporting scheme or the label, or the rating scheme if it leads to more cost-effective processes.

Article 7

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,

For the Commission
The President
Ursula VON DER LEYEN

EUROPEAN
COMMISSION

Brussels, XXX
[…](2026) XXX draft

ANNEXES 1 to 3

ANNEXES

to the

Delegated Act

supplementing Directive (EU) 2023/1791 of the European Parliament and of the Council and amending Commission Delegated Regulation (EU) 2024/1364 as regards the establishment of a common Union rating scheme for data centres

ANNEX I

Energy and water efficiency classes

1. The energy efficiency class of data centres shall be determined based on the Power Usage Effectiveness (PUE) as set out in Table 1.

Table 1

Energy efficiency classes of data centres

Energy efficiency class	Power Usage Effectiveness (PUE)
A	$PUE \leq 1.15$
B	$1.15 < PUE \leq 1.25$
C	$1.25 < PUE \leq 1.35$
D	$1.35 < PUE \leq 1.5$
E	$1.5 < PUE \leq 1.7$
F	$1.7 < PUE \leq 1.9$
G	$PUE > 1.9$

The PUE of a data centre shall be determined in accordance with point (a) of Annex III of Commission Delegated Regulation (EU) 2024/1364.

2. The water efficiency class of data centres shall be determined based on the Water Usage Effectiveness (WUE) as set out in Table 2.

Table 2

Water efficiency classes of data centres

Water efficiency class	Water Usage Effectiveness (WUE)
A	$WUE \leq 0.1$
B	$0.1 < WUE \leq 0.2$
C	$0.2 < WUE \leq 0.4$
D	$0.4 < WUE \leq 0.6$
E	$0.6 < WUE \leq 0.8$
F	$0.8 < WUE \leq 1.0$

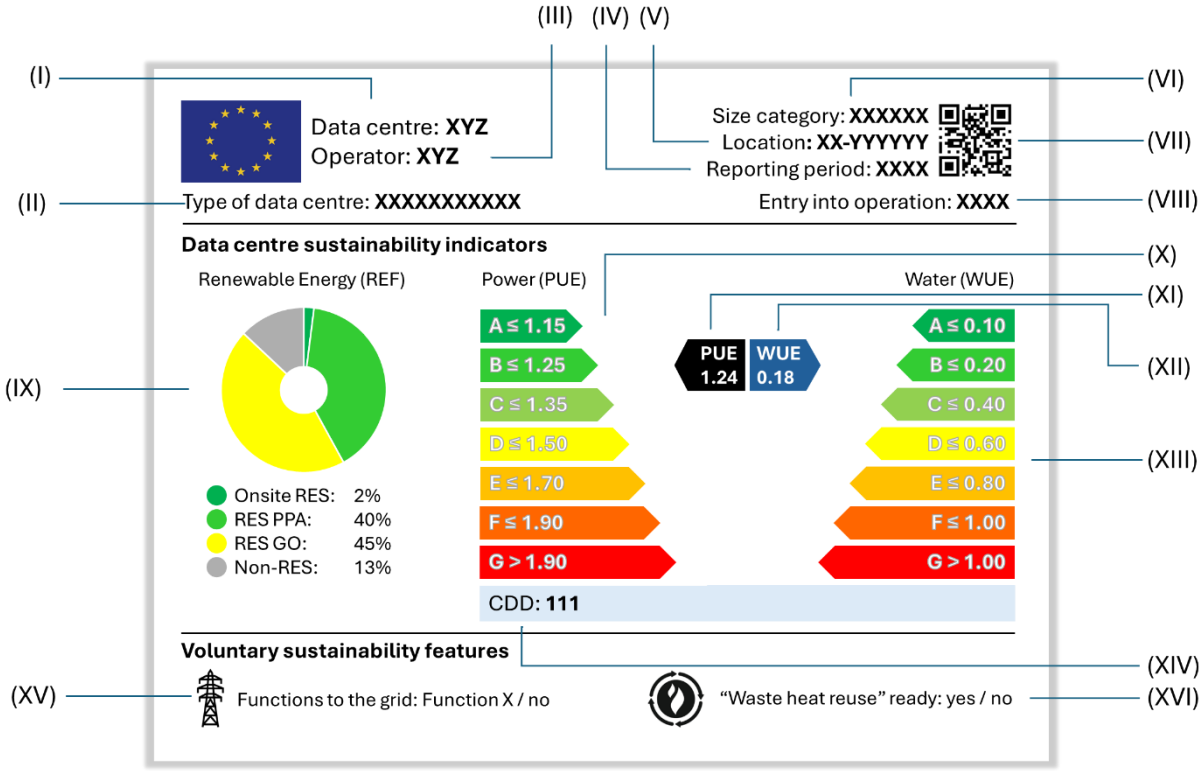
G	WUE > 1.0

The WUE of a data centre shall be determined in accordance with point (b) of Annex III of Commission Delegated Regulation (EU) 2024/1364.

ANNEX II

Label for data centres

1. Label for data centres:



2. The following information shall be included in the label:

(I) data centre name (value from Commission Delegated Regulation (EU) 2024/1364, Annex I, point 1(a));

(II) type of data centre (value from Commission Delegated Regulation (EU) 2024/1364, Annex I, point 1(d));

(III) operator of the data centre (value from Commission Delegated Regulation (EU) 2024/1364, Annex I, point 1(b));

(IV) reporting period that the label refers to (value attributed by the European database);

(V) location of the data centre (value from Commission Delegated Regulation (EU) 2024/1364, Annex I, point 1(c));

(VI) size category of the data centre determined in accordance with Commission Delegated Regulation (EU) 2024/1364, Annex IV (value attributed by the European database);

(VII) QR code (value attributed by the European database);

(VIII) entry into operation (value from Commission Delegated Regulation (EU) 2024/1364, Annex I, point 1(e));

(IX) the percentage of E_{RES-OS}, $E_{RES-PPA}$, and $E_{RES-GOO}$ in the E_{DC} (values from Commission Delegated Regulation (EU) 2024/1364, Annex II, points 1(r), (q), (p), and (d));

(X) scale of PUE classes from A to G (value attributed by the European database);

(XI) the PUE class determined in accordance with Annex II (value attributed by the European database);

(XII) the WUE class determined in accordance with Annex II (value attributed by the European database);

(XIII) scale of WUE classes from A to G (value attributed by the European database);

(XIV) cooling degree days (value from Commission Delegated Regulation (EU) 2024/1364, Annex II, point 1(n));

(XV) electrical grid functions or not (value from Commission Delegated Regulation (EU) 2024/1364, Annex II, point 1(f));

(XVI) whether the data centre is 'waste heat reuse' ready or not (value from Commission Delegated Regulation (EU) 2024/1364, Annex II, point 1(j)).

3. Each label shall be accompanied by a document, common to all labels, that will shortly explain at least the following elements:

(I) the relation between PUE and the climate conditions in a specific location (as expressed by the CDD);

(II) the relation between PUE and data centre size or age;

(III) the interdependence and trade-offs between PUE and WUE;

(IV) the relative importance of different values of WUE in relation to the levels of water stress in a specific location;

(V) the relation between WUE and data centre size or age;

(VI) the differences among the different categories of renewable energy that constitute the calculated REF;

(VII) possible ways to rate sustainability;

(VIII) examples of functions to the grid and possible reasons why a data centre does not offer them; and

(IX) possible reasons why a data centre does not offer waste heat for reuse.

The contents of this common document may be updated by the Commission to reflect changes that are documented in the analysis of the reported data that the Commission will perform annually.

ANNEX III

Amendments to the Annexes of the Commission Delegated Regulation (EU) 2024/1364

Annexes I, II, III, IV to Delegated Regulation 2024/1364 are amended as follows:

(1) In Annex I, point 1 is amended as follows:

(a) point (c) is replaced by the following:

‘(c) *Location of the data centre* is the EU NUTS3 code of the location of the reporting data centre (building or site) expressed in accordance with the validated 2024 EU LAU tables published by Eurostat[1].’;

(b) point (e) is replaced by the following:

‘(e) *Year and month of entry into operation* is the calendar year and month during which the reporting data centre started providing information technology services.

In case the reporting data centre has not yet entered into operation, the pre-designated value ‘DESIGN’ shall be used.’;

(c) the following point (f) is added:

‘(f) *Certification of the reported data* is any certification scheme stemming from a management scheme, or standard that the reporting data centre applies and in the framework of which a certified third party validates the monitoring, data validation and reporting procedures of the data centre, particularly the ones pertinent to the reporting to the European database.

Such schemes could include relevant schemes by European and international standardisation organisations (for example, CEN/CENELEC, ISO, etc.) but also widely used voluntary schemes that include a third-party certification process.’;

(2) Annex II is amended as follows:

(a) point 1 is amended as follows:

(a) (i) point (d) is replaced by the following:

‘(d) *Total energy consumption* (‘E_{DC}’, in kWh) of the reporting data centre shall be measured as defined by, and by using the methodology in the CEN/CENELEC EN 50600-4-2 standard or equivalent methodology.

The total energy consumption includes the use of electricity, fuels and other energy sources used for cooling.

The amount of E_{DC} coming from on-site, non-renewable sources such as generators or back-up generators ($E_{DC\text{-}BG}$, in kWh) shall be also reported separately. $E_{DC\text{-}BG}$ shall include energy consumption related to both periods of normal operation of the data centre and of maintenance of the generators or back-up generators.

Total energy consumption shall be measured at the input of the data centre system before the supply transfer switchgear. The measurement points shall be set at the primary and secondary supply of energy and at every additional supply, for example, back-up generation.

In the case of a cogeneration or an absorption chiller, if internal to the system, the measurement point shall be at the input of the cogeneration or absorption chiller, measuring

[1] https://ec.europa.eu/eurostat/web/nuts/local-administrative-units.

the fuel consumed. If external, in the case of cogeneration, the measurement points shall be at the electricity and heat outputs, and in the case of the absorption chiller, the measurement point shall be at the cooling output.

If the structure that houses the data centre has a different primary function (for example, office building), the value of E_{DC} must be limited to the energy measured as used (or estimated as used) by the equipment in the data centre's computer room or rooms and the equipment necessary for the operation of the data centre.

If part of E_{DC} is used in technologies that upgrade the temperature of the heat that is eventually reused and reported as E_{REUSE} (for example, heat pumps, boosters, heat transformers, heat exchangers, heat network equipment, etc.), this part shall be subtracted from the E_{DC};';

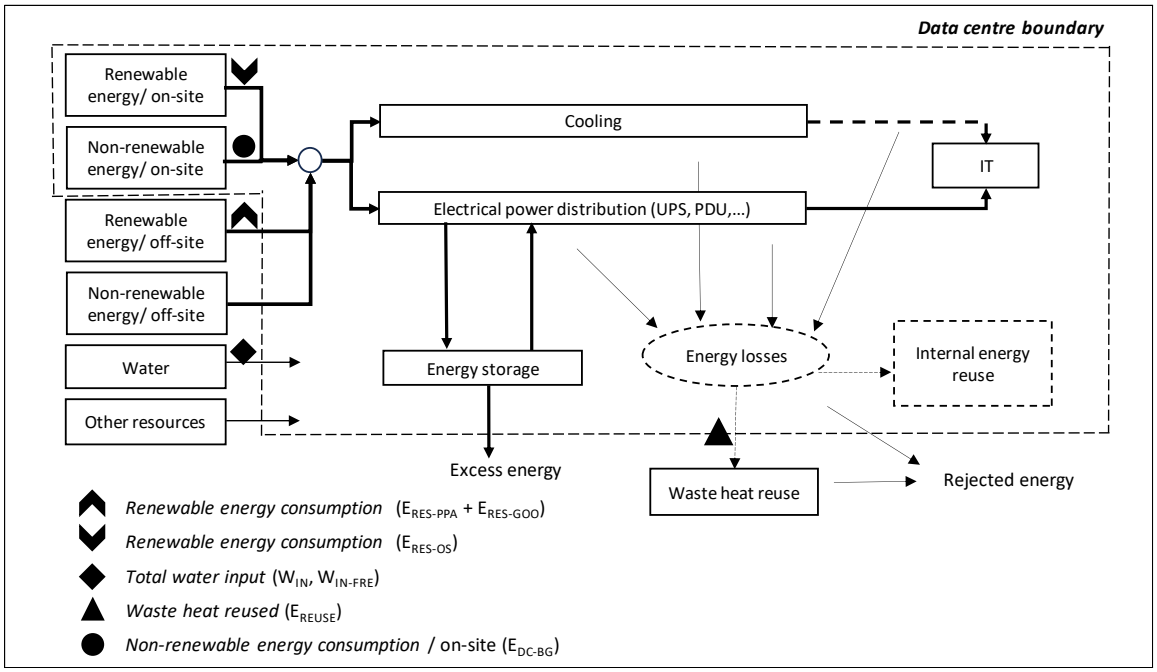
(b) (ii) point (f) is replaced by the following:

'(f) *Electrical grid functions* is the information on whether any functions that support the stability, reliability, and resilience of the electrical grid are provided by the data centre, such as peak demand shifting, flexibility, or firm frequency response (FFR);';

(c) (iii) point (h) is replaced by the following:

'(h) *Total water input* ('W_{IN}', in cubic metres) shall be measured as defined by, and by using the methodology set out in the CEN/CENELEC EN 50600-4-9 standard WUE Category 1, or equivalent methodology. Data centres shall measure all water volumes that enter the data centre boundary and are used in relation to the data centre functions including environmental, power, security, and information technology.

Figure 2 illustrates a general schema of monitoring and measurement points in a data centre, including measurement locations for E_{RES-OS}, $E_{RES-PPA}$, $E_{RES-GOO}$, E_{DC-BG}, W_{IN}, W_{IN-FRE} and E_{REUSE};



';

(d) (iv) point (i) is replaced by the following:

‘(i) *Total freshwater input* (‘W_{IN-FRE}’, in cubic metres) shall be measured as defined by, and by using the methodology set out in the CEN/CENELEC EN 50600-4-9 standard WUE Category 1, or equivalent methodology. Data centres shall measure all freshwater volumes that enter the data centre boundary and are used for data centre functions including environmental, power, security, and information technology.

If the Member State in whose territory the data centre is located has defined ‘freshwater’ in national law, the data centre operator shall use this definition to measure W_{IN-FRE}. Otherwise, the data centre operator shall use the definition provided in Article 2 of this Regulation.

Return flows from closed and semi-closed cooling water systems should not be added to W_{IN} and W_{IN-FRE}.

If the structure that houses the data centre has a different primary function, the values of W_{IN} and W_{IN-FRE} must be limited to the water and freshwater measured as used (or estimated as used) by the equipment in the data centre’s computer room or rooms and the equipment necessary for the operation of the data centre;’;

(e) (v) point (j), the following subparagraph is added at the end:

‘Regardless of the value of E_{REUSE}, data centres shall report whether they are ‘waste heat reuse’ ready or not;’;

(f) (vi) point (n) is replaced by the following:

‘(n) *Cooling degree days* (‘CDD’, in degree days) shall be determined as the number of cooling degree days for the location of the reporting data centre during the last calendar year, by using the methodology used by Eurostat and the Joint Research Centre[2].

The value of CDD shall be determined and filled in automatically by the European database based on the value inputted for the location of the data centre;’;

(g) (vii) point (p) is replaced by the following:

‘(p) *Total renewable energy consumption from guarantees of origin* (‘$E_{RES-GOO}$’, in kWh) shall be determined as the sum of the guarantees of origin purchased and retired by the reporting data centre. These guarantees of origin shall be related to the 15-minute production periods that coincide with the data centre consumption periods and to production located in the same bidding zone as the data centre, conditional to the availability of such granular guarantees of origin in the relevant Member State.

Guarantees of origin shall be purchased from assets, commissioned not more than 10 years prior to the reporting year. Long-term contracts for the purchase of guarantees of origin that are in place by 15 May 2026 are exempted from the requirement of this subparagraph, the exemption applying until the end or renewal date of the contract.

The data centre shall measure the $E_{RES-GOO}$ that enters the data centre boundary, and which cannot be counted for more than one data centre or be created from power purchasing agreements or on-site renewables;’;

(b) point 3 is deleted.

(3) In Annex III, point (b) is replaced by the following:

‘(b) Water Usage Effectiveness (WUE)

[2] https://doi.org/10.2908/NRG_CHDDR2_A.

W_{IN-FRE}, as defined in Annex II, and E_{IT}, as defined in Annex II but expressed in kWh, shall be used to calculate the WUE of a data centre:

$WUE = W_{IN-FRE}/E_{IT}$;'.