



**COUNCIL OF
THE EUROPEAN UNION**

Brussels, 11 May 2011

9968/11

**ENER 104
ENV 350
CONSOM 73**

COVER NOTE

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

date of receipt: 5 May 2011

to: Mr Pierre de BOISSIEU, Secretary-General of the Council of the European
Union

No Cion doc.: C(2011) 2875 final

Subject: Commission Delegated Regulation (EU) No .../...of 4.5.2011 supplementing
Directive 2010/30/EU of the European Parliament and of the Council with
regard to energy labelling of air conditioners

Delegations will find attached Commission document C(2011) 2875 final.

Encl.: C(2011) 2875 final



EUROPEAN COMMISSION

Brussels, 4.5.2011
C(2011) 2875 final

COMMISSION DELEGATED REGULATION (EU) No .../...

of 4.5.2011

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

EXPLANATORY MEMORANDUM

1. CONTEXT OF THE DELEGATED ACT

Grounds for and objectives of the proposal

The environmental impact of air conditioners in the EU is significant, in particular the electricity consumption in the use phase, which was estimated to be 30 TWh per year in 2005, corresponding to 14 Mt CO₂ equivalent.

In order to enable consumers to buy more energy-efficient air conditioners, a labelling scheme was put in place by Commission Directive 2002/31/EC¹ of 22 March 2002 implementing Council Directive 92/75/EEC² with regard to energy labelling of household air-conditioners. The scheme provided standardised information on energy consumption of air conditioners by means of a ranking of products on a scale from A to G.

The aim of this delegated Regulation is to introduce new, more ambitious, energy efficiency classes in order to adapt them to technological developments and introduce more dynamism into the scheme. It would complement any possible Commission Regulation implementing Directive 2009/125/EC of the European Parliament and of the Council with regard to ecodesign requirements for air conditioners.

General context

A main reason for the persistent sales of low efficiency air conditioners is that end-users base their purchase decisions on purchase costs rather than life cycle cost of the product, a situation which is not helped by the current practice not to fully include environmental costs in energy cost. Also, the information on energy efficiency of equipment available to persons buying air conditioners is limited, which introduces asymmetrical information. Cost-effective improvement potentials for the end-user are therefore often not realised. Another problem are split incentives, where for example a building owner that purchases and installs an air conditioner (most are installed products, not portable) aims for lower purchase costs, whereby a tenant ends up paying higher electricity bills.

These problems have partly been addressed over the last 8 years by the labelling scheme set out in Commission Directive 2002/31/EC with regard to energy labelling of household air-conditioners, leading to an energy efficiency improvement of about 20% during the period of 2002 to 2008.

Although the current labelling scheme remains as a market driver towards further improvements in energy efficiency of single ducts and double ducts, the labelling scale for other air conditioners, representing about 93% of the air conditioner market, fails to distinguish between efficient and very efficient appliances, and has failed to stimulate the sales of the most efficient appliances. As a result, in comparison with some third markets, the EU markets show considerably lower average and benchmark efficiency levels³. Consequently, the

¹ OJ L 86, 3.4.2002, p. 26.

² OJ L 297, 13.10.1992, p. 16.

³ For example, in 2007, the benchmark efficiency level for cooling power of split appliances in Japan was SEER 7.1 against the EU benchmark of SEER 5.1.

preparatory study and impact assessment on air conditioners demonstrated that if the current energy efficiency classes are not revised, the already achieved limited improvement in energy efficiency will eventually slow down. This is mainly due to the current design of the label.

According to the impact assessment, the total stock of air conditioners of 31 million units was responsible for 30 TWh annual electricity consumption in 2005 in the EU-27, increasing to 73 TWh in 2020 without further actions (i.e. with the current labelling scheme in place). The increase is mainly due to continuing sales growth. The aim of the proposal is to reduce the otherwise expected increase in energy consumption of these appliances. It is estimated that the combined effect of possible new ecodesign requirements and the revised labelling scheme set out in this draft delegated Regulation would lead to a reduction of 11 TWh in 2020.

Existing provisions in the area of the proposal

In addition to a possible Ecodesign implementing measure following measures address the environmental performance of air conditioners:

- Commission Directive 2002/31/EC of 22 March 2002 implementing Council Directive 92/75/EEC of 22 September 1992 on the indication by labelling and standard product information of the consumption of energy and other resources by household appliances;
- Commission Decision 2007/742/EC⁴ of 9 November 2007 establishing the ecological criteria for the award of the Community eco-label to electrically driven, gas driven or gas absorption heat pumps;
- Directive 2002/96/EC⁵ of the European Parliament and of the Council of 27 January 2003 on waste electrical and electronic equipment;
- Directive 2002/95/EC⁶ of the European Parliament and of the Council of 27 January 2003 on the restriction of the use of certain hazardous substances in electrical and electronic equipment;
- Regulation (EC) No 842/2006⁷ of the European Parliament and of the Council of 17 May 2006 on certain fluorinated greenhouse gases.

Consistency with the other policies and objectives of the Union

Increased market take-up of energy-efficient air conditioners, through the introduction of new energy efficiency classes and possible ecodesign requirements, will contribute to achieving the 20% energy savings potential anticipated by 2020 in the Energy Efficiency Action Plan (COM(2006) 545).

Furthermore, implementation of Directive 2010/30/EU⁸ contributes to the EU's objective to attain a reduction in greenhouse gases emissions of at least 20% in 2020.

Promotion of market take-up of efficient air conditioners complies with the Lisbon and

⁴ OJ L 301, 20.11.2007, p. 14.

⁵ OJ L 37, 13.2.2003, p.24.

⁶ OJ L 37, 13.2.2003, p. 19.

⁷ OJ L 161, 14.6.2006, p. 1.

⁸ OJ L 153, 18.6.2010, p.1.

renewed Sustainable Development Strategy as it will encourage investment in R&D and make for a level playing field. It is also in line with the Sustainable Consumption, Production and Industrial Policy Action Plan (COM(2008) 397).

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

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

2. CONSULTATIONS PRIOR TO THE ADOPTION OF THE ACT

Consultation of interested parties

Consultation methods, main sectors targeted and general profile of respondents

International and EU stakeholders and Member State experts were consulted from the very beginning of the preparatory study, and, together with ecodesign requirements, energy labelling was discussed in the "Ecodesign Consultation Forum", which is established by the Ecodesign Framework Directive 2009/125/EC⁹. The Consultation Forum is composed of the experts of the Member States and a balanced representation of stakeholders, namely environmental and consumer NGOs, retailers and manufacturers. During the meetings of the Consultation Forum of 22 June 2009 and of 23 April 2010 the Commission staff presented a working document suggesting ecodesign requirements and an energy efficiency ranking for air conditioners.

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

Summary of responses and how they have been taken into account

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

Product scope and classification

The appliances to be covered are air-to-air air conditioners up to 12 kW output power with the capacity to cool and/or heat a room or an area of a room. Air conditioners with specific features include double duct air conditioners that are specifically designed to be placed in situations where no outdoor unit is permitted and single duct air

⁹ OJ L 285, 31.10.2009, p. 10.

conditioners that are movable air conditioners cooling only a limited area in a room. Both of these types of air conditioners are in general less efficient than other air conditioners due to their technical specificities.

Energy labelling scales

Initially, several Member States, environmental NGOs and consumer NGOs suggested creating a single energy labelling scale for all technologies. However, while additional classes can be added to the existing energy labels for single and double ducts in line with Article 11 of the recast Directive 2010/30/EU, this can not be done for other air conditioners, as appliances corresponding to the current A level would be phased out of the market under ecodesign requirements¹⁰. Furthermore, stakeholders requested that a new energy efficiency calculation method¹¹ corresponding to the recent developments in standardisation is used on these air conditioners. This will introduce a new efficiency indication for these appliances.

Timing

Manufacturers and retailers emphasised that, due to the new energy efficiency calculation and measurement method, time is needed to (re)test all air conditioners, except single and double duct appliances, and to produce the necessary information thereof. Furthermore, a period of transition is needed for the change from the old label to the new label due to the unavoidable rescaling of these appliances. The draft delegated Regulation therefore integrates this time constraint.

Direct green house gas emissions

Stakeholders requested to address the direct green house gas emissions either in the Ecodesign or in the Energy Label measure, or in both. The impact assessment looked at the possibility of lowering the minimum energy efficiency and/or energy labelling requirements for appliances using low-GWP refrigerants. As a result, a bonus reducing the minimum energy efficiency requirements would be introduced under the Ecodesign measure for air conditioners appliances. For the sake of the transparency of information on the comparative efficiency of appliances, no bonus was introduced in the energy label rating.

Collection and use of expertise

Input from scientific expertise

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

Main organisations/experts consulted

¹⁰ Ecodesign requirements are set at SEER 3.6 vs. 4.3 while the current A is EER 3.2, which may be translated to SEER levels between 2.9 and 4.0, depending on appliance characteristics.

¹¹ Seasonal energy efficiency ratio (SEER) and seasonal coefficient of performance (SCOP) instead of steady-state energy efficiency ratio (EER) and coefficient of performance (COP).

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

Summary of advice received and used

No potentially serious risks with irreversible consequences were mentioned.

Impact assessment

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

- no EU action (legislation currently in place would not be amended, no new legislation would be adopted). This option was discarded since it would not meet the objectives laid down in the Ecodesign and Energy Labelling Framework Directives;
- support a voluntary commitment by the relevant industry. This option was discarded as no such proposals were made by the industry;
- adopt ecodesign requirements only. This option was discarded as ecodesign requirements higher than the current A level would have nullified the existing labelling scheme while lower requirements would not have delivered the expected savings potential;
- revise the existing labelling scheme only (without ecodesign requirements). This option was discarded as it would not achieve the expected savings.

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

It will ensure that:

- ongoing energy improvements are maintained and fostered;
- fair competition and product differentiation continue to operate on energy improvements;
- the cost-effective level of energy consumption is reached;
- the competitiveness of the industry is supported through the expansion of the EU internal market for sustainable products;
- the burdens on suppliers including SMEs are not excessive, as the transition periods

- take redesign cycles into account;
- there is no negative impact on employment in the EU.

3. LEGAL ELEMENTS OF THE DELEGATED ACT

Summary of the proposed action

The measure sets out new mandatory information requirements for suppliers placing air conditioners on the market, and for dealers offering these appliances at the point of sale or by distant selling such as via catalogues or the internet. The scope of the measure is aligned with the scope of a possible Ecodesign implementing measure setting minimum energy efficiency, noise and information requirements on air conditioners and information requirements on comfort fans.

The energy efficiency ranking of appliances continues with the basic structure of Directive 2002/31/EC in defining efficiency scales for three specific sub-categories of products. Additional classes will be added on top of the labelling scales for double and single duct units. However, reclassification of today's A-labelled air conditioners, excluding single and double ducts, is necessary for two main reasons:

- a new seasonal energy efficiency calculation method (SEER/SCOP) is applied in order to better match with the efficiencies in real use. The new method does not allow direct comparison of efficiency levels with those in Directive 2002/31/EC;
- minimum energy efficiency requirements are set, under the Ecodesign Directive, at a higher level (SEER 3.60/4.30) than the current level 'A' (EER 3.20), although no precise comparison of levels is possible due to different efficiency calculation methods.

The existing energy labelling scale (in EER) for double and single duct units will be continued in adding additional classes on top of the present class A, as set in the recast Directive. However, class limits will be defined so that only class A+ will be attainable with today's best available technology while other air conditioners can reach efficiency up to A+++ , when available on the market.

For single and double duct appliances, COP values are defined based on the information from manufacturers gathered during the impact assessment stating the intentions of some manufacturers in possibly introducing heating only-appliances to the market.

A particularity of the energy label on air conditioners is that it serves both the needs of installers and purchasers from non-residential sector as much as the needs of 'common' customers. This is because most of the appliances can only be purchased and installed with help of professional people, such as installers. For this reason, it is important to include useful information in the label for both types of users; 'common' consumers and professionals. While the indication of the efficiency measurement method used (SEER/SCOP vs. EER/COP) is not useful for consumers in general, it provides professionals with an easy access to one of the major aspects of these appliances. Additionally, this information is important for manufacturers for the promotion of their seasonally performing appliances leading to higher energy

efficiency and lower running costs, thus benefiting the environment and the consumer.

The specific efficiency of the resistance heating, which is rare in air conditioners, will not be indicated in the label as its potential impact is taken into account in the seasonal coefficient of performance (SCOP) calculation and measurement method. Furthermore, requirements for resistance heating appliances are covered by other forthcoming ecodesign legislation.

Measurement methods and the verification procedure for market surveillance purposes would be fully aligned in any possible Ecodesign implementing measure with those used in this delegated Regulation.

Legal basis

The draft delegated Regulation implements Directive 2010/30/EU, and in particular Article 10 thereof.

Subsidiarity principle

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

Proportionality principle

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

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

In terms of conformity assessment, there are no extra costs with respect to the current situation, where energy labelling is already mandatory. The extra cost of the application of the new seasonal efficiency measurement standard on air conditioners other than single and double duct units is requested from manufacturers and estimated to have an insignificant impact on product price.

Choice of instrument

Proposed instrument: delegated Regulation.

BUDGETARY IMPLICATION

The proposal has no implication for the EU budget.

ADDITIONAL INFORMATION

Repeal of existing legislation

Adoption of the delegated act includes the repeal of the existing Directive 2002/31/EC.

Review/revision/sunset clause

The draft includes a revision clause.

European Economic Area

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

COMMISSION DELEGATED REGULATION (EU) No .../...

of 4.5.2011

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

THE EUROPEAN COMMISSION,

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

Having regard to Directive 2010/30/EU of 19 May 2010 of the European Parliament and of the Council on the indication by labelling and standard product information of the consumption of energy and other resources energy-related products¹², and in particular Article 10 thereof,

Whereas:

- (1) Directive 2010/30/EU requires the Commission to adopt delegated acts as regards the labelling of energy-related products representing significant potential for energy savings and having a wide disparity in performance levels with equivalent functionality.
- (2) Provisions for the energy labelling of air conditioners were established by Commission Directive 2002/31/EC of 22 March 2002 implementing Council Directive 92/75/EEC with regard to energy labelling of household air-conditioners¹³. The implementing Directive establishes different labelling scales for air conditioners using different technologies and the determination of energy efficiency is based on full load operation only.
- (3) The electricity used by air conditioners accounts for a significant part of total household and commercial electricity demand in the Union. In addition to the energy efficiency improvements already achieved, the scope for further reducing the energy consumption of air conditioners is substantial.
- (4) Directive 2002/31/EC should be repealed and new provisions should be laid down by this Regulation in order to ensure that the energy label provides dynamic incentives for manufacturers to further improve the energy efficiency of air conditioners and to accelerate the market transformation towards energy-efficient technologies.
- (5) The provisions of this Regulation should apply to air-to-air air conditioners up to 12 kW cooling power output (or heating power output, if only heating function is provided).

¹² OJ L 153, 18.6.2010, p.1.

¹³ OJ L 86, 3.4.2002, p. 26.

- (6) Technological developments in the energy efficiency improvement of air conditioners have been very rapid in recent years. This has allowed several third-countries to introduce stringent minimum energy efficiency requirements and led to a process of introducing new energy labelling schemes based on seasonal performance. Today's appliances, excluding single and double duct air conditioners, that achieve the highest efficiency levels have largely surpassed the A efficiency levels established by Directive 2002/31/EC.
- (7) This Regulation introduces two energy efficiency scales based on the primary function and on specific aspects important to consumer. Given that air conditioners are used mainly in part-load conditions, the efficiency testing should be changed to a seasonal efficiency measurement method, except for single and double duct air conditioners. The seasonal measurement method takes better into account the benefits of the inverter driven technology and the conditions in which these appliances are used. The new efficiency calculation method with an Ecodesign implementing measure setting minimum energy efficiency requirements higher than the current A level, will lead to a reclassification of these appliances. Consequently, split, window and wall air conditioners should have a new A-G energy efficiency class scale with a '+' added on the top of the scale every two years until the A+++ class has been reached.
- (8) For double duct and single duct air conditioners, steady-state energy efficiency performance indicators should continue to be applied, as there are currently no inverter units on the market. As no reclassification of these appliances is appropriate, single and double duct air conditioners should have an A+++–D scale. While these, inherently less efficient than split appliances, can go only up to an A+ energy efficiency class in a scale of A+++–D, the more efficient split appliances can reach up to the A+++ energy efficiency class.
- (9) This Regulation should ensure that consumers get more accurate comparative information about the performance of air conditioners.
- (10) The combined effect of energy labeling set out in this Regulation and of Regulation implementing Directive 2009/125/EC of the European Parliament and of the Council with regard to ecodesign requirements for air conditioners¹⁴ is expected to result in annual electricity savings of 11 TWh by 2020, compared to the situation if no measures are taken.
- (11) The noise level of an air conditioner could be an important aspect for end-users. In order to enable them to make an informed decision, information on noise emissions should be included on the label of air conditioners.
- (12) The information provided on the label should be obtained through reliable, accurate and reproducible measurement procedures, which take into account the recognised state of the art measurement methods including, where available, harmonised standards adopted by the European standardisation bodies, as listed in Annex I to Directive 98/34/EC of the European Parliament and of the Council of 22 June 1998

¹⁴ [Not yet adopted].

laying down a procedure for the provision of information in the field of technical standards and regulations¹⁵.

- (13) This Regulation should specify a uniform design and requirements as to the content of labels for air conditioners.
- (14) In addition, this Regulation should specify requirements as to the technical documentation and the fiche for air conditioners.
- (15) Moreover, this Regulation should specify requirements as to the information to be provided for any form of distance selling, advertisements and technical promotional material of air conditioners.
- (16) It is appropriate to provide for a review of the provisions of this Regulation taking into account technological progress.
- (17) In order to facilitate the transition from Directive 2002/31/EC to this Regulation, air conditioners labelled in accordance with this Regulation should be considered compliant with Directive 2002/31/EC.
- (18) Suppliers wishing to place on the market air conditioners that can meet the requirements for higher energy efficiency classes should be allowed to provide labels showing those classes in advance of the date for mandatory display of such classes.
- (19) Directive 2002/31/EC should therefore be repealed,

HAS ADOPTED THIS REGULATION:

Article 1

Subject matter and scope

1. This Regulation establishes requirements for the labelling and the provision of supplementary product information for electric mains-operated air conditioners with a rated capacity of $\leq 12\text{kW}$ for cooling, or heating, if the product has no cooling function.
2. This Regulation shall not apply to:
 - a) appliances that use non-electric energy sources;
 - b) air conditioners of which the condenser- or evaporator-side, or both, do not use air for heat transfer medium.

Article 2

Definitions

In addition to the definitions set out in Article 2 of Directive 2010/30/EU of the European Parliament and of the Council¹⁶, the following definitions shall apply:

¹⁵ OJ L 204, 21.7.1998, p. 37.

- (1) ‘*air conditioner*’ means a device capable of cooling or heating, or both, indoor air, using a vapour compression cycle driven by an electric compressor, including air conditioners that provide additional functionalities such as dehumidification, air-purification, ventilation or supplemental air-heating by means of electric resistance heating and appliances that may use water (either condensate water that is formed on the evaporator side or externally added water) for evaporation on the condensor, provided that the device is also able to function without the use of additional water, using air only;
- (2) ‘*double duct air conditioner*’ means an air conditioner in which, during cooling or heating, the condensor or evaporator intake air is introduced from the outdoor environment to the unit by a duct and rejected to the outdoor environment by a second duct, and which is placed wholly inside the space to be conditioned, near a wall;
- (3) ‘*single duct air conditioner*’ means an air conditioner in which, during cooling or heating, the condensor or evaporator intake air is introduced from the space containing the unit and discharged outside this space;
- (4) ‘*rated capacity*’ (P_{rated}) means the cooling or heating capacity of the vapour compression cycle of the unit at standard rating conditions;
- (5) ‘*end-user*’ means a consumer buying or expected to buy an air conditioner;
- (6) ‘*point of sale*’ means a location where air conditioners are displayed or offered for sale, hire or hire-purchase.

Additional definitions for the purpose of Annexes II to VIII are set out in Annex I.

Article 3 ***Responsibilities of suppliers***

1. Suppliers shall take action as described in points (a) to (g):
 - (a) a printed label is provided for each air conditioner respecting energy efficiency classes as set out in Annex II. The label shall comply with the format and content of information as set out in Annex III. For air conditioners, except single and double duct air conditioners, a printed label must be provided, at least in the packaging of the outdoor unit, for at least one combination of indoor and outdoor units at capacity ratio 1. For other combinations, the information can be alternatively provided on a free access web site;
 - (b) a product fiche, as set out in Annex IV, is made available. For air conditioners, except single and double duct air conditioners, a product fiche must be provided at least in the packaging of the outdoor unit, for at least one combination of indoor and outdoor units at capacity ratio 1. For other combinations, the information can be alternatively provided on a free access web site;

¹⁶ OJ L 153, 18.06.2010, p. 1.

- (c) technical documentation as set out in Annex V is made available electronically on request to the authorities of the Member States and to the Commission;
 - (d) any advertisement for a specific model of an air conditioner shall contain the energy efficiency class, if the advertisement discloses energy-related or price information. Where more than one efficiency class is possible, the supplier or the manufacturer, as appropriate, shall declare the energy efficiency class for heating at least in 'Average' heating season. Information in the cases where end-users cannot be expected to see the product displayed is to be provided as set out in Annex VI;
 - (e) any technical promotional material concerning a specific model of an air conditioner which describes its specific technical parameters shall include the energy efficiency class of that model as set out Annex II;
 - (f) instructions for use are made available;
 - (g) single ducts shall be named '*local air conditioners*' in packaging, product documentation and in any advertisement material, whether electronic or in paper.
2. The energy efficiency class shall be determined as set out in Annex VII.
 3. The format of the label for air conditioners except for single and double duct air conditioners shall be as set out in Annex III.
 4. For the air conditioners, except for single and double duct air conditioners, the format of the label set out in Annex III shall be applied according to the following timetable:
 - (a) as regards air conditioners, except single duct and double duct air conditioners, placed on the market from 1 January 2013, labels with energy efficiency classes A, B, C, D, E, F, G shall be in accordance with point 1.1 of Annex III for reversible air conditioners, with point 2.1 of Annex III for cooling-only air conditioners and with point 3.1 of Annex III for heating-only air conditioners;
 - (b) as regards air conditioners, except single duct and double duct air conditioners, placed on the market from 1 January 2015, labels with energy efficiency classes A+, A, B, C, D, E, F, shall be in accordance with point 1.2 of Annex III for reversible air conditioners, with point 2.2 of Annex III for cooling-only air conditioners and with point 3.2 of Annex III for heating-only air conditioners;
 - (c) as regards air conditioners, except single duct and double duct air conditioners, placed on the market from 1 January 2017, labels with energy efficiency classes A++, A+, A, B, C, D, E, shall be in accordance with point 1.3 of Annex III for reversible air conditioners, with point 2.3 of Annex III for cooling-only air conditioners and with point 3.3 of Annex III for heating-only air conditioners;
 - (d) as regards air conditioners, except single duct and double duct air conditioners, placed on the market from 1 January 2019, labels with energy efficiency classes A+++, A++, A+, A, B, C, D shall be in accordance with point 1.4 of

Annex III for reversible air conditioners, with point 2.4 of Annex III for cooling-only air conditioners and with point 3.4 of Annex III for heating-only air conditioners.

5. The format of the label for double duct air conditioners placed on the market from 1 January 2013 with energy efficiency classes A+++, A++, A+, A, B, C, D shall be in accordance with point 4.1 of Annex III for reversible double duct air conditioners, with point 4.3 of Annex III for cooling-only double duct air conditioners and with point 4.5 of Annex III for heating-only double duct air conditioners.
6. The format of the label for single duct air conditioners placed on the market from 1 January 2013 with energy efficiency classes A+++, A++, A+, A, B, C, D shall be in accordance with point 5.1 of Annex III for reversible single duct air conditioners, with point 5.3 of Annex III for cooling-only single ducts air conditioners and with point 5.5 of Annex III heating-only single duct air conditioners.

Article 4 ***Responsibilities of dealers***

Dealers shall ensure that:

- (a) air conditioners, at the point of sale, bear the label provided by suppliers in accordance with Article 3(1) on the outside of the front or top of the appliance, in such a way as to be clearly visible;
- (b) air conditioners offered for sale, hire or hire purchase where the end-user cannot be expected to see the product displayed, are marketed with the information provided by suppliers in accordance with Annexes V and VI;
- (c) any advertisement for a specific model of air conditioner contains a reference to the energy efficiency class, if the advertisement discloses energy-related or price information. Where more than one efficiency class is possible, the supplier/manufacturer will declare the energy efficiency class at least in 'Average' season zone;
- (d) any technical promotional material concerning a specific model which describes the technical parameters of an air conditioner includes a reference to the energy efficiency class(es) of the model and the instructions for use provided by the supplier. Where more than one efficiency class is possible, the supplier/manufacturer will declare the energy efficiency class at least in 'Average' season zone;
- (e) single ducts shall be named '*local air conditioners*' in packaging, product documentation and in any promotional or advertisement material, whether electronic or in paper.

Article 5
Measurement methods

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

Article 6
Verification procedure for market surveillance purposes

When Member States assess the conformity of the declared energy efficiency class, the annual or hourly energy consumption, as appropriate, and the noise emissions, they shall apply the procedure laid down in Annex VIII.

Article 7
Revision

The Commission shall review this Regulation in the light of technological progress no later than five years after its entry into force. In particular, attention will be paid to any significant changes in market shares of various types of appliances.

Article 8
Repeal

Directive 2002/31/EC is repealed from 1 January 2013.

Article 9
Transitional provision

1. Air conditioners placed on the market before 1 January 2013 shall comply with the provisions set out in Directive 2002/31/EC.

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 1 January 2013.

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

Done at Brussels, 4.5.2011

*For the Commission
The President
José Manuel BARROSO*