

Texte zu den geplanten neuen EU-Regelungen zur umweltgerechten Produktgestaltung und zur Energieverbrauchs-kennzeichnung in der Beleuchtung – Zusammenstellung <sup>[1]</sup> des Umweltbundesamtes (UBA), Deutschland



Entwürfe der EU-Kommission vom 3. Juli 2018

**Stellungnahme des Herstellerverbandes APPLiA <sup>[2]</sup>  
vom 20. August 2018**

– Produktinformation: Haupttext –

*Hinweis: Bitte beachten Sie, daß der angehängte Text nur in Englisch verfaßt ist.*

**EN:** Information on the coming EU Lighting Regulations – Ecodesign and Energy Labelling – Compilation <sup>[1]</sup> of the Federal Environment Agency (UBA), Germany

The EU Commission's drafts of 3 July 2018

**Comments by the Industry Association APPLiA <sup>[2]</sup>  
as of 20 August 2018**

– Product information: Main text –

**FR:** Informations sur les futures réglementations de l'UE concernant l'éclairage – l'écoconception et l'étiquetage énergétique – Compilation <sup>[1]</sup> de l'Agence Fédérale de l'Environnement (UBA), Allemagne

Les projets de la Commission Européenne du 3 juillet 2018

**Commentaires de l'association de producteurs APPLiA <sup>[2]</sup> du 20 août 2018**  
– Informations relatives aux produits : Texte principal –

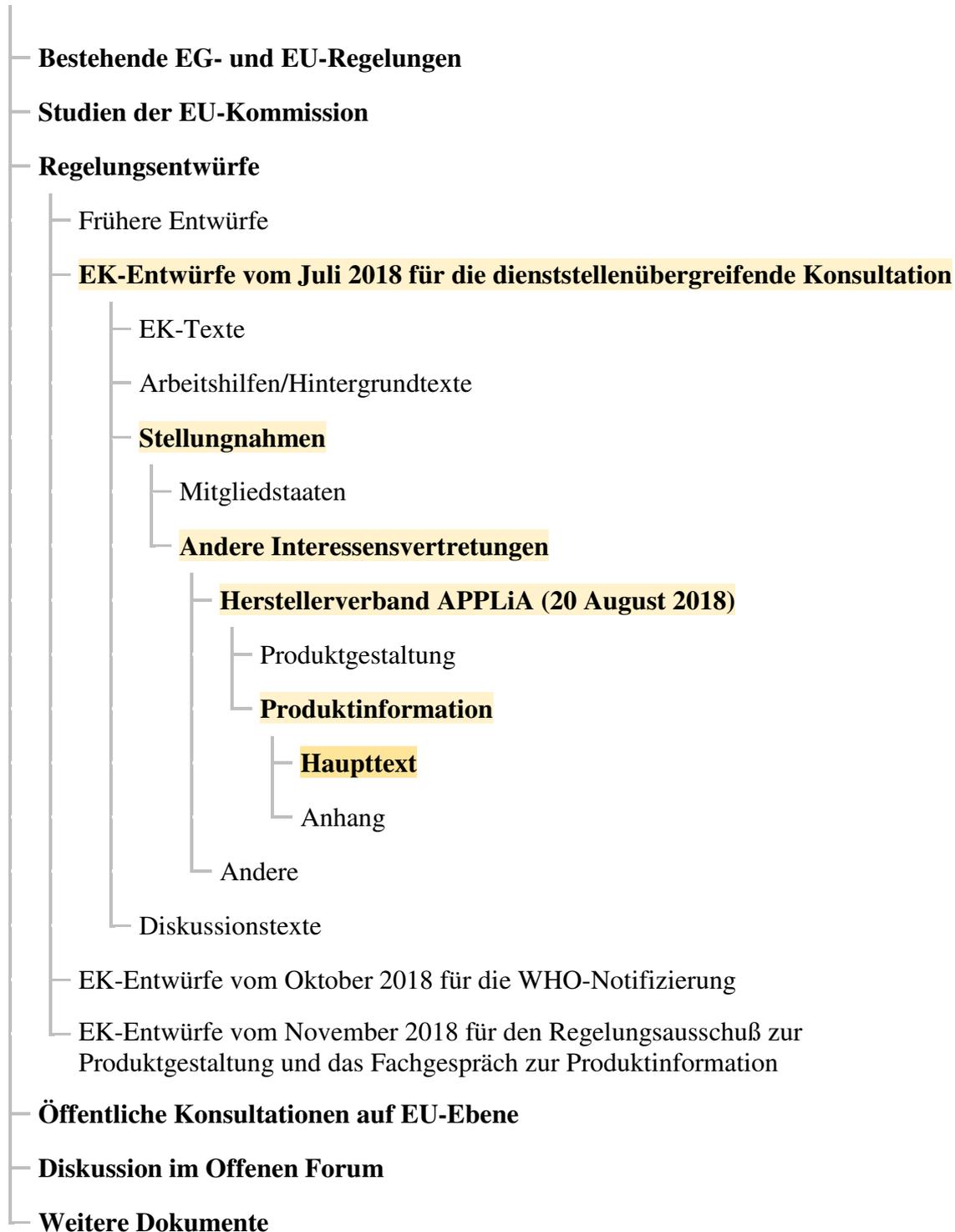
*Indication : Veuillez noter que le présent texte n'est disponible qu'en anglais.*

<sup>[1]</sup> <https://www.eup-network.de/de/eup-netzwerk-deutschland/offenes-forum-eu-regelungen-beleuchtung/dokumente/texte/>

<sup>[2]</sup> <https://www.applia-europe.eu/>

**Texte im Offenen Forum**

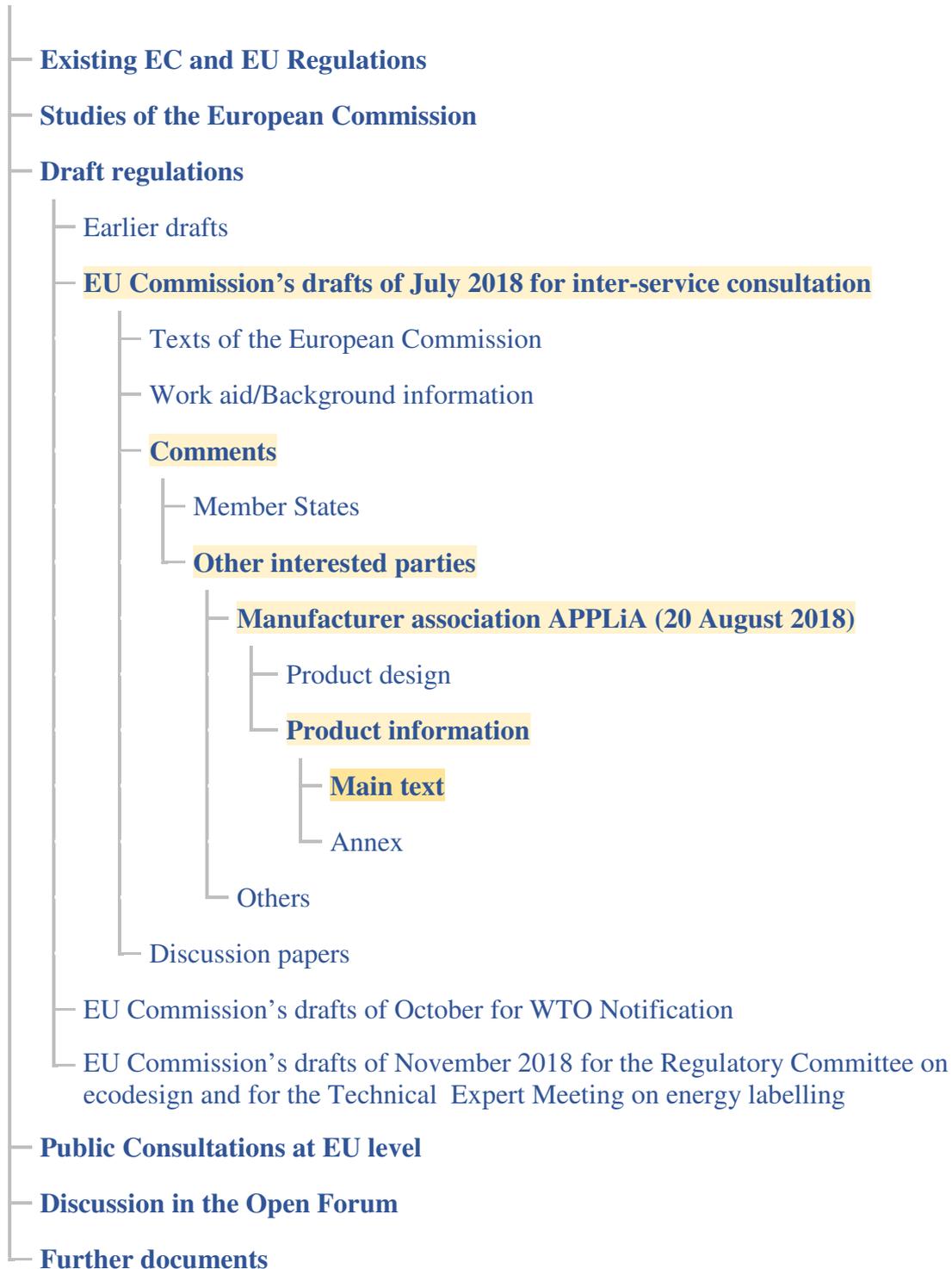
(**abc** = vorliegender Text)



Abkürzungen: • EG = Europäische Gemeinschaft • EU = Europäische Union • EK = EU-Kommission • WHO = Welthandelsorganisation • VHK = Van Holsteijn en Kemna, <https://www.vhk.nl/>

**Documents in the Open Forum**

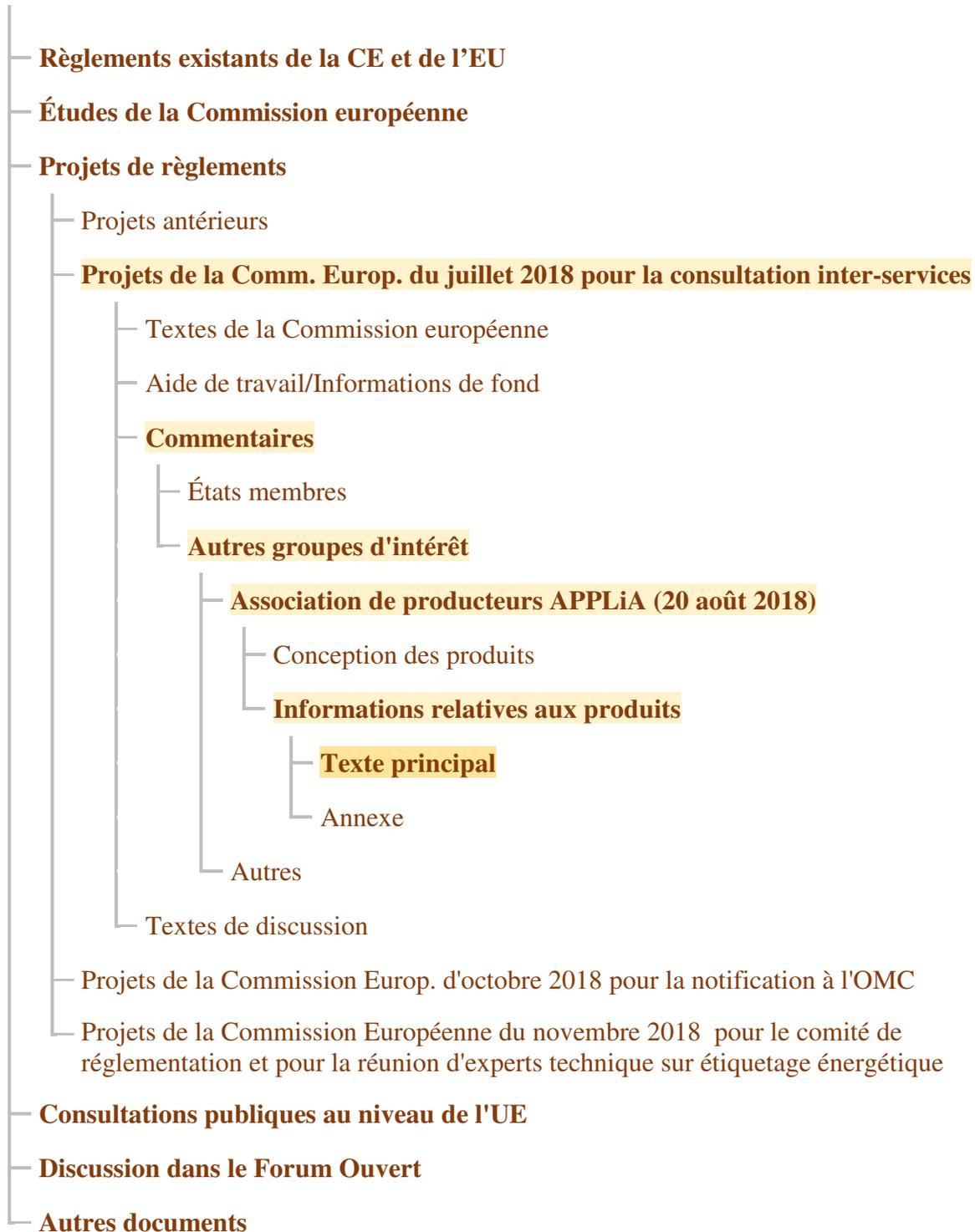
(**abc** = text at hand)



Abbreviations: • EC = European Communities • EU = European Union • WTO = World Trade Organisation  
 • VHK = Van Holsteijn en Kemna, <https://www.vhk.nl/>

## Documents dans le forum ouvert

(abc = présent document)



Abréviations : ● CE = Communauté européenne ● UE = Union européenne ● OMC = Organisation mondiale du commerce ● VHK = Van Holsteijn en Kemna, <https://www.vhk.nl/>

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Es folgt ein unveränderter Originaltext.

**EN:** The following is an unmodified original text.

**FR:** Ce qui suit est un texte original.

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Brussels, XXX  
[...](2018) XXX draft

**COMMISSION DELEGATED REGULATION (EU) .../...**

**of XXX**

**supplementing Regulation (EU) 2017/1369 of the European Parliament and of the Council with regard to energy labelling of light sources**

**repealing Regulation (EU) No 874/2012 with regard to energy labelling of electrical lamps and luminaires**

(Text with EEA relevance)

*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. The information transmitted is intended only for the Member State or entity to which it is addressed for discussions and may contain confidential and/or privileged material.*

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## **EXPLANATORY MEMORANDUM**

### **1. CONTEXT OF THE DELEGATED ACT**

Regulation (EU) 2017/1369<sup>1</sup> establishes a framework for setting energy labelling regulations for energy-related products at EU level and repeals the previous framework set out in Directive 2010/30/EU. Energy labelling is a key EU policy instrument for informing consumers about the energy efficiency and other environmental performance aspects of energy-related products placed on the internal market and the energy label is recognised and used by 85% of Europeans<sup>2</sup>.

Under this framework the energy labelling measures applicable to lighting products are in:

–Commission Delegated Regulation (EU) No 874/2012<sup>3</sup> of 12 July 2012 with regard to energy labelling of electrical lamps and luminaires;

–as amended by Commission Delegated Regulation (EU) No 518/2014<sup>4</sup> of 5 March 2014 with regard to labelling of energy-related products on the internet.

The revision of the energy labelling measure for lighting products follows Article 7 of Commission Delegated Regulation (EU) No. 874/2012. In particular, this review should assess verification tolerances.

Furthermore, article 11 of the Energy Labelling framework Regulation lists 5 priority product groups for which new delegated acts with rescaled energy labels must be adopted at the latest on 2 November 2018, and lighting is one of the priority product groups. A new delegated act for energy labelling of lighting products must therefore be adopted to rescale products from A++ to E to A to G, to address the overpopulation of the top classes .

Moreover, there are new policies that require the revision to look beyond the strict scope mentioned in the review articles of the existing acts for lighting products: a renewed effort in carbon emission abatement through the Paris climate agreement<sup>5</sup>, the Commission's Circular Economy<sup>6</sup>, the Better Regulation policy aiming at more efficient and effective legislation<sup>7</sup>, the need to address possible circumvention of testing standards, etc.<sup>8</sup>

This act is developed in parallel with the proposed act for ecodesign of lighting products.

#### **General context**

In 2014, the Commission conducted an 'Omnibus' review<sup>9</sup> of several product groups that indicated that there is still a large untapped saving potential for lighting products making the acts on ecodesign and energy labelling eligible for a revision. This was confirmed by the

<sup>1</sup> OJ L 198, 28.7.2017, p. 1–23.

<sup>2</sup> [Study on the impact of the energy label – and potential changes to it – on consumer understanding and on purchase decisions - , LE London Economics and IPSOS, October 2014](#)

<sup>3</sup> OJ L 258, 26.9.2012, p. 3

<sup>4</sup> OJ L 147, 17.5.2014, p. 1–28

<sup>5</sup> [http://ec.europa.eu/clima/policies/international/negotiations/future/index\\_en.htm](http://ec.europa.eu/clima/policies/international/negotiations/future/index_en.htm)

<sup>6</sup> Closing the loop - An EU action plan for the Circular Economy". COM(2015) 614 final, Brussels, 2.12.2015

<sup>7</sup> [http://ec.europa.eu/smart-regulation/better\\_regulation/key\\_docs\\_en.htm#\\_br](http://ec.europa.eu/smart-regulation/better_regulation/key_docs_en.htm#_br)

<sup>8</sup> <http://www.europarl.europa.eu/committees/en/emis/home.html>

<sup>9</sup> 'Omnibus' Review Study on Cold Appliances, Washing Machines, Dishwashers, Washer-Driers, Lighting, Set-top Boxes and Pumps, consortium of VHK, VITO, Viegand Maagøe, Wuppertal Institut für Klima, Umwelt, Energie for the European Commission, DG ENER-C3, Brussels/Delft, April 2014.

review study, concluded in October 2015<sup>10</sup>, for which consultants developed the 'Model for European Light Sources Analysis' MELISA.

In the Ecodesign Working Plan 2016-2019 of the European Commission<sup>11</sup> the revision of the implementing acts for lighting products is mentioned as one of the major energy saving opportunities, with 125 TWh of primary energy savings per year expected in 2030 (combined effect of ecodesign and energy labelling).

In 2015, around 1.7 billion light sources were sold in EU-28, of which approximately 22 % based on LED technology. In the same year, around 11.4 billion light sources were operating in EU-28, of which 6.5 % LED. These light sources consumed a total of 336 TWh/a of electricity, covering 12.4 % of the overall EU-28 electricity use. This corresponded to greenhouse gas (GHG) emissions of 132 megatons of CO<sub>2</sub> equivalent per year (MtCO<sub>2</sub>eq/a), i.e. 2.8 % of the overall EU-28 GHG-emission.

Impact data from October 2017, based on the latest version of the MELISA model, estimates that this act on energy labelling of light sources will reduce the electricity consumption for lighting by 2030, reaching 11 TWh/y of electricity savings, in addition to 40-42 TWh/y from the ecodesign act.

## **2. CONSULTATIONS PRIOR TO THE ADOPTION OF THE ACT Consultation of interested parties**

There was extensive consultation of stakeholders during the review studies, and before and after the Consultation Forum meetings. Further external expertise was collected and analysed during this process.

Stakeholders (industry, Member States, NGOs) were consulted during the Lot 8/9/19 review study in two occasions. A 1<sup>st</sup> stakeholder meeting was held on 5 February 2015 on the MEErP<sup>(12)</sup> Task 0, 1, 2 and 3 reports; a 2<sup>nd</sup> meeting was held on 17 June 2015 on the Task 4, 5 and 6 reports.

Study reports were updated to reflect stakeholders' comments. Importantly, the future projections for LED prices and LED efficiencies used in the analysis of the MELISA model were agreed with industry. Stakeholder comments were also taken into account when preparing the Commission Working Document (WD) for the Ecodesign Consultation Forum (ECF) of 7 December 2015.

The comments on the 2015 WD showed a lack of consensus among stakeholders on the general approach, the level of ambition and on many details. To resolve this situation following the 2015 ECF, between Spring 2016 and Spring 2017 further stakeholder meetings took place in an attempt to address the different comments. The MELISA model was extensively discussed with industry experts and adapted accordingly.

A second ECF took place on 7 December 2017 and a public consultation was held until 7 May 2018.

<sup>10</sup> Preparatory Study on Light Sources for Ecodesign and/or Energy Labelling Requirements ('Lot 8/9/19'), Task reports 0-7, VHK for the European Commission, October 2015. <http://ecodesign-lightsources.eu/documents>.

<sup>11</sup> COM(2016) 773 final, Brussels, November 2016

<sup>12</sup> MEErP is the methodology that the European Commission applies to make studies for ecodesign of energy-related products.

An online public consultation (OPC) took place from 12th February to 7th May 2018, with the aim to collect stakeholders' views on issues such as the expected effect of potential legislative measures on business and on energy consumption trends.

The OPC contained a common part on Ecodesign and Energy labelling, followed by product specific questions on (i) refrigerators, (ii) dishwashers, (iii) washing machines, (iii) televisions, (iv) electronic displays and (v) lighting.

1230 responses were received of which 67% were consumers and 19% businesses (of which three quarters were SMEs and one-quarter large companies). NGOs made up 6% of respondents, and 7% were "other" categories. National or local governments were under 1% of respondents, and 0.25% came from national Market Surveillance Authorities.

The countries of residence of the participants were predominantly the UK (41%) and Germany (26%), with a second group of Austria, Belgium, France, the Netherlands and Spain comprising together some 17%. Nine other Member States comprised another 9.5% of replies, but residents in 12 EU Member States gave either zero or a negligible number of responses. Non-EU respondents comprised around 5% of replies.

Basically all respondents (1229 out of 1230) answered the questions on lighting products. 719 participants (58%) replied only to lighting.

#### **Impact Assessment**

An IA is required when the expected economic, environmental or social impacts of EU action are likely to be significant. The IA for the review of regulations (EC) No. 874/2012 and No 244/2009, No 245/2009 and No 1194/2012 was carried out between May 2017 and March 2018.

The data collected in the review studies served as a basis for the IA. Additional data and information was collected and discussed by the IA study team with industry and experts, and other stakeholders including Member States. During this process, several meetings were organised with industry and Member State experts. The additional data and information collection focused on:

- Additional market data on energy efficiency for the period 2015-2017;
- Update on lighting catalogues for the availability of LED replacements;
- Fine-tuning of the requirements;
- Fine-tuning of definitions;
- Investigation of various options for the phase out of T8 lamps;
- Sensitivity analysis regarding electricity tariffs;
- Extended information on SMEs, possible impacts;
- Extended information on specific sectors using T8 lamps.

In addition, inception impact assessments for the regulatory measures on the review of ecodesign and energy labelling requirements for this product group were published on 26 January 2018 for feedback until 23 February 2018. In total 17 comments were received for the ecodesign measure and 16 for the energy labelling measure.

In general, all stakeholders are in favour of Ecodesign and Energy labelling requirements for lighting products. The submitted feedback commented amongst others on the strictness of Ecodesign requirements, the quality of light, the blue light content and requirements that would make light sources easily replaceable/repairable in containing products

### **3. LEGAL ELEMENTS OF THE DELEGATED ACT**

#### **1. Scope**

The scope of the measures is light sources. Light sources as defined by this act are always in scope, even when they are parts of 'containing products' such as e.g. luminaires, mirrors, fridges or shelves. However, the containing products themselves are not in scope of this act (but they may be in scope of other energy labelling acts). This means that this act eliminates the requirement of energy labelling of luminaires set out in Regulation (EU) 874/2012.

The scope covers all lighting technologies, including incandescent, halogen, fluorescent, high-intensity discharge and light-emitting diodes (both inorganic LED and organic OLED).

The definition of light sources is the same as that in the proposed act for ecodesign. However, fewer products are exempt under energy labelling than in the ecodesign act: while in the ecodesign regulation it is important to avoid the risk that light sources with special characteristics be unintentionally removed from the market, energy labelling of these light sources is useful, because the label will indicate the price to be paid, in terms of lower energy efficiency, to have the special characteristics. Thus, there will be light sources which are exempt from ecodesign requirements but not from the energy labelling.

#### **2. Energy efficiency classes**

A new formula for energy labelling is proposed that better reflects energy efficiency and is more intuitive in the calculation than the Energy Efficiency Index set out in the current energy labelling regulation. In the new metrics the limits for the energy efficiency classes have been defined directly in terms of light source efficiency, as a result of the total light output of a light source (in lumen, lm) divided by the mains (230 V) power input (in Watt, W) and expressed as lm/W. This change implies that light sources with high light output do not need a higher efficiency than light sources with low light output to obtain a given energy efficiency class. This is reasonable considering that when the new energy labelling requirements start to apply, the label classes will mainly aim to differentiate between LEDs as per respective efficiencies.

For directional light sources, where normally only the part of light output in a cone is taken into account, and for non-mains light sources (not taking 230 V as input), correction factors are applied to convert their efficacy to an efficacy comparable to the limits of the energy efficiency classes.

Class limits are proposed with 25 lm/W difference between consecutive classes: all light sources above 210 lm/W are class A. All light sources below 85 lm/W are class G.

As of June 2018 there are no light sources on the market that can meet the efficiency limits of classes A and B (but there are at laboratory level), so these classes would initially be empty as required by Regulation (EU) 2017/1369. The best LED light sources typically used by households today on the market would have new label class E; the best LED light sources for professional use today on the market would be class D and by 2021 some would be expected to be class C. In 2021, when the new classes will start to apply, class A is still expected to be empty while there might already be some class B light sources on the market.

In the highly dynamic light sources market, it is not an easy task to predict the share of models that will fall in class A around 2030, but it is unlikely that an update of the classes would be necessary within 10 years of the introduction, thus meeting the requirements of Regulation (EU) 2017/1369.

#### **3. Energy label**

The label is reviewed and updated following the instructions in the new framework Regulation (EU) 2017/1369. The general principle is that the label has to be displayed on the side of the packaging facing the potential buyer at the point of sale (visibility objective). Light sources packages can be small. The tailor-made solution for small packages is to have the label on the rear of the packaging, with a coloured arrow with the energy efficiency class displayed on the front.

If the light source is sold inside a containing product (e.g. a luminaire) it would be confusing to attach a label for the light source to the packaging of the containing product. Hence, in this case, a label is not required, but the packaging of the containing product shall display a text declaring the energy efficiency class of the contained light source.

Re-labelling of existing products is required only for those products which stay unsold with dealers for more than nine months from the date of application of the new measures (with a sticker); otherwise those products cannot be sold anymore.

#### 4. Implementation of product information requirements

The delegated act specifies the list of lighting parameters and other information:

- to be displayed on the light source itself and on packaging,
- to be entered in the public part of the product database established pursuant to Regulation (EU) 2017/1369 (this part can be printed as the product information sheet),
- to be entered in the compliance part of the product database established pursuant to Regulation (EU) 2017/1369 (this is a part of the technical documentation).

The list of parameters to be entered in the product database includes not only information strictly related to the energy label and its verification, but also all information useful for end-users and for market surveillance authorities to verify compliance with the ecodesign regulation on light sources, which is developed in parallel.

#### 5. Verification procedure for market surveillance purposes

The procedure to be used by market surveillance authorities to verify the compliance of light sources with this Regulation is aligned to Commission Regulation (EU) 2016/2282<sup>13</sup> which is based on verification of parameter values declared by suppliers. In addition, the required number of samples has been reduced. This will facilitate market surveillance activities and remove some ambiguities.

As regards verification tolerances, the approach has been diversified, using different tolerances for different parameters and depending on the sample size.

#### 6. Date of application

~~It is the intention of the Commission that this act starts to apply from the same date of application of the ecodesign act which is developed in parallel.~~ The existing energy labelling regulation for lighting products (Commission Regulation (EU) No 874/2012) will be repealed from the day of application.

<sup>13</sup> OJ L 346, 20.12.2016, p.51.

**COMMISSION DELEGATED REGULATION (EU) .../...**

**of XXX**

**supplementing Regulation (EU) 2017/1369 of the European Parliament and of the Council with regard to energy labelling of light sources**

**repealing Regulation (EU) No 874/2012 with regard to energy labelling of electrical lamps and luminaires**

(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 28 July 2017 setting a framework for energy labelling<sup>14</sup> repealing Directive 2010/30/EU, and in particular Articles 11 and 16 thereof,

Whereas:

- (1) Regulation (EU) 2017/1369 empowers the Commission to adopt delegated acts as regards the labelling or re-scaling of the labelling of product groups representing significant potential for energy savings and, where relevant, other resources.
- (2) Provisions on the energy labelling of lighting products, namely electrical lamps and luminaires, were established by Commission Delegated Regulation (EU) No 874/2012 of 12 July 2012 supplementing Directive 2010/30/EU<sup>15</sup> and its successive amendment<sup>16</sup>.
- (3) Lighting products are among the priority product groups mentioned in Article 11(5)(b) of Regulation (EU) 2017/1369 for which the Commission should adopt a delegated act to introduce an A to G rescaled label.
- (4) Regulation (EU) No 874/2012 contains a review clause in Article 7 requiring the Commission to review the regulation in light of technological progress.
- (5) The Commission has reviewed Regulation (EU) No 874/2012 and analysed technical, environmental and economic aspects of as well as real-life user behaviour. The review was undertaken in close cooperation with stakeholders and interested parties from the Union and third countries. The results of the review were made public and presented to the Consultation Forum established by Article 14 of Regulation (EU) 2017/1369.
- (6) The review concluded that there was a need for the introduction of revised energy labelling requirements for lighting products, namely for light sources.

<sup>14</sup> OJ L 198, 28.07.2017, p. 1.

<sup>15</sup> OJ L 314, 2010, p. 47

<sup>16</sup> OJ L 147, 17.5.2014, p.1

- (7) The environmental aspect of light sources, identified as significant for the purposes of this Regulation, is energy consumption in the use phase.
- (8) The review has shown that the electricity consumption of products subject to this Regulation can be further significantly reduced by implementing energy label measures.
- (9) As this Regulation discontinues the energy label specifically dedicated to luminaires in Regulation (EU) 874/2012, suppliers of luminaires should be exempted from the obligations related to the product database established under Regulation (EU) 2017/1369.
- (10) The measures provided for in this Regulation were discussed by the Consultation Forum and the Member States' experts in accordance Articles 14 and 18 of Regulation (EU) 2017/1369.
- (11) Regulation (EU) No 874/2012 should be repealed and new provisions should be laid down by this Regulation.

HAS ADOPTED THIS REGULATION:

#### *Article 1*

#### **Subject matter and scope**

This Regulation establishes requirements for the labelling of, and the provision of supplementary product information on, light sources, with or without integrated control gear. The requirements also apply to light sources placed on the market in a containing product.

This Regulation shall not apply to light sources specified in Annex IV points 1 and 2. Light sources specified in Annex IV point 3 shall only be subject to the requirements of Annex V point 4.

**Commented [FM1]:** Wrong reference : Annex V point 4 does not exist.

#### *Article 2*

#### **Definitions**

In addition to the definitions laid down in Article 2 of Regulation (EU) 2017/1369 and the definitions laid down in Annex I of this Regulation, the following definitions shall apply for the purposes of this Regulation:

1. 'light source' means an electrically operated product intended to emit and/or be possibly tuned to emit light with all of the following optical characteristics:
  - (a) chromaticity coordinates  $x$  and  $y$  in the range  $0,270 < x < 0,530$  and  $-2,3172 x^2 + 2,3653 x - 0,2199 < y < -2,3172 x^2 + 2,3653 x - 0,1595$ ;
  - (b) a luminous flux  $< 500 \text{ lm per mm}^2$  of projected light-emitting surface area as defined in Annex I;
  - (c) a luminous flux between 60 and 82 000 lumen;
  - (d) a colour rendering index (CRI)  $R_a > 0$ ;
 using incandescence, fluorescence, high-intensity discharge, inorganic light emitting diodes (LED) or organic light emitting diodes (OLED), or their combinations as

lighting technology, and that can be verified as a light source according to the procedure of Annex V.

High-pressure sodium light sources that do not fulfil condition (a) are anyway considered light sources in the sense of this Regulation.

For the purpose of this Regulation, the following products are not considered to be light sources:

- (a) LED dies or LED chips;
  - (b) LED packages;
  - (c) products containing light source(s) from which these light source(s) can be removed for verification;
  - (d) light-emitting parts contained in a light source from which these parts cannot be removed for verification as a light source.
2. 'control gear' means one or more devices, possibly integrated in a light source, intended to prepare the mains electricity supply for the electric format required by one or more specific light sources within boundary conditions set by electric safety and electromagnetic compatibility. It may include transforming the supply and starting voltage, limiting operational and preheating current, preventing cold starting, correcting the power factor and/or reducing radio interference;
  3. 'containing product' means a product containing one or more light sources and/or separate control gears. Examples of containing products are luminaires that can be taken apart to allow separate verification of the contained light source(s), household appliances containing light source(s), furniture (shelves, mirrors, display cabinets) containing light source(s), and other products that cannot be practically verified as light source themselves, so that the contained light source(s) have to be considered;
  4. 'light' means electromagnetic radiation with a wavelength between 380 nm and 780 nm;
  5. 'LED die or LED chip' means a small block of light-emitting semiconducting material on which a functional light emitting diode (LED) circuit is fabricated;
  6. 'LED package' means a single electric part comprising principally at least one LED die. It does not include (parts of) a control gear, does not include a cap, is not connected directly to the supply voltage, and does not include active electronic components. It is used as a part of an LED module or of an LED lamp. It can include one or more of the following: optical elements, light converters (phosphors), thermal, mechanical and electric interfaces, parts to address electrostatic discharge concerns. So called Chip-on-Board (CoB) packages, and similar light-emitting devices that are intended to be used directly in an LED luminaire, are not considered to be LED packages, but LED modules;
  7. 'chromaticity' means the property of a colour stimulus defined by its chromaticity coordinates (x and y);
  8. 'luminous flux' or 'flux' ( $\Phi$ ), expressed in lumen (lm), means the quantity derived from radiant flux (radiant power) by evaluating the electromagnetic radiation in accordance with the spectral sensitivity of the human eye. It refers to the total flux emitted by a light source in a solid angle of  $4\pi$  steradians under conditions (e.g. current, voltage, temperature) specified in applicable standards. It refers to the initial flux for the undimmed light source after a short operating period, unless it is

**Commented [FM2]:** The product here would be for example a fridge. If the light source can be removed from the fridge, the fridge would be out of scope and the light source would be in the scope.  
From that we conclude the following:  
If the fridge contains a light source that cannot be removed for verification, then the fridge would be in scope. That would mean that the fridge becomes the light source. And the fridge would not be a containing product (as in the definition of a containing product the light source must have to be separately verifiable).  
This is not logical and should be clarified.

**Commented [FM3]:** This would contradict the remark above as household appliances – according to this sentence – would be considered a product which cannot be practically verified as a light source. Both to be clarified.

clearly specified that the flux in a dimmed condition or the flux after a given period of operation is intended. For light sources that can be tuned to emit different light spectra and/or different maximum light intensities, it refers to the flux in the 'reference control settings' as defined in Annex II;

9. 'colour rendering index' (CRI) is the average Ra of the colour rendering for the first 8 test colours (R1-R8) defined in standards, and means the effect of an illuminant on the colour appearance of objects by conscious or subconscious comparison with their colour appearance under the reference illuminant;
10. 'incandescence' means a phenomenon where light is produced from heat, in light sources typically produced through a threadlike conductor ('filament') which is heated by the passage of an electric current. Incandescent light sources are either GLS - General Lamp Shape light sources or halogen light sources. Halogen light source means an incandescent light source with a threadlike conductor made from tungsten surrounded by gas containing halogens or halogen compounds;
11. 'fluorescence' or 'fluorescent light source' (FL) means the phenomenon or a light source using an electric gas discharge of the low-pressure mercury type in which most of the light is emitted by one or more layers of phosphors excited by the ultraviolet radiation from the discharge. Fluorescent light sources may have one ('single-capped') or two ('double-capped') connections ('caps') to their electricity supply. For the purposes of this Regulation, magnetic induction light sources are also considered as fluorescent light sources;
12. 'high intensity discharge' (HID) means an electric gas discharge in which the light-producing arc is stabilised by wall temperature and the arc chamber has a bulb wall loading in excess of 3 Watts per square centimetre. 'Gas discharge' means a phenomenon where light is produced, directly or indirectly, by an electric discharge through a gas, plasma, metal vapour or mixture of gases and vapours. For the purpose of this Regulation, HID light sources are limited to metal halide, high-pressure sodium and mercury vapour types as defined in Annex I;
13. 'inorganic light emitting diode' (LED) means a technology in which light is produced from a solid state device embodying a p-n junction of inorganic material. The junction emits optical radiation when excited by an electric current;
14. 'organic light emitting diode' (OLED) means a technology in which light is produced from a solid state device embodying a p-n junction of organic material. The junction emits optical radiation when excited by an electric current;
15. 'high-pressure sodium light source' (HPS) means a high intensity discharge light source in which the light is produced mainly by radiation from sodium vapour operating at a partial pressure of the order of 10 kilopascals. HPS light sources may have one ('single-ended') or two ('double-ended') connectors to their electricity supply;
16. 'point of sale' means a physical location where the product is displayed or offered for sale, hire or hire-purchase to the end-user.
17. 'end-user' means a natural person buying or expected to buy a product for purposes which are outside his trade, business, craft or profession.

### Article 3

#### Obligations of suppliers

1. In addition to the obligations of suppliers laid down in Regulation (EU) 2017/1369, suppliers of light sources which are placed on the market as an independent product (i.e. not in a containing product) shall ensure that:
  - (a) Each light source which is placed on the market as an independent product (i.e. not in a containing product) and in a packaging containing information to be visibly displayed to potential buyers prior to their purchase, is supplied with a printed label in the format as set out in Annex III;
  - (b) the parameters of the product information sheet, as set out in Annex V, are entered into the product database established by Regulation (EU) 2017/1369;
  - (c) if requested by the dealer, the product information sheet shall be made available in printed form;
  - (d) the content of the technical documentation uploaded into the product database is according to Annex VI;
  - (e) any visual advertisement for a specific model of light source, including on the Internet, contains the energy efficiency class and the range of efficiency classes available on the label in accordance with Annex X;
  - (f) any technical promotional material concerning a specific model of light source, including on the Internet, which describes its specific technical parameters includes the energy efficiency class of that model and the range of efficiency classes available on the label, in accordance with Annex X;
  - (g) an electronic label in the format and containing the information as set out in Annex VIII shall be made available to dealers for each light source model;
  - (h) an electronic product information sheet as set out in Annex VIII is made available to dealers for each light source model;
  - (i) on request of dealers in accordance with Article 4(e), printed labels to rescale products are provided as a sticker, of the same size as the one which is already on the package;
  - (j) products shall not be placed on the market that have been designed so that a model's performance is automatically altered in test conditions with the objective of reaching a more favourable level for any of the parameters specified in the relevant delegated act or included in the documentation provided the product.
2. Suppliers of containing products shall:
  - (a) provide information on the contained light source(s) as specified in Annex V point 3.2.
  - (b) as specified in Annex IX, on request by market surveillance authorities, provide information on how light sources can be removed for verification without permanent damage, and without permanent damage to the containing product.
3. The energy efficiency class shall be based on the total mains efficacy calculated in accordance with Annex II.

**Commented [FM4]:** From our understanding the whole paragraph 1 applies to suppliers of light sources as an independent product (not in a containing product), while paragraph 2 applies to suppliers of products containing light sources. But this is stated only in subparagraph (a). We therefore propose to reword the beginning of paragraph 1 (cf. track changes)

Besides, what about the case of a refrigerator assembled outside the EU market. When the entire product enters the EU market, should the lamp inside be registered in the EPREL database? If yes, who would then be responsible for the registration of the lamp inside? The lamp manufacturer who sold its product outside the EU or the fridge manufacturer?

**Commented [FM5]:** Wrong reference : Annex V point 3.2 does not exist. It should be Annex V point 2.2.

*Article 4*  
**Obligations of dealers**

In addition to the obligations of dealers laid down in Regulation (EU) 2017/1369, dealers shall ensure that:

- (a) each light source, at the point of sale, bears the label provided by suppliers in accordance with Article 3(a) displayed as indicated in Annex III, in such a way as to be clearly visible;
- (b) the label and product information sheet are provided in the case of distance selling in accordance with Annexes VII and VIII;
- (c) any visual advertisement for a specific model of light source contains the energy efficiency class and the range of efficiency classes available on the label, in accordance with Annex X;
- (d) any technical promotional material concerning a specific model of light source, including on the Internet, which describes its specific technical parameters includes the energy efficiency class of that model and the range of efficiency classes available on the label, in accordance with Annex XX;
- (e) existing labels on light sources at points of sale are replaced by the rescaled labels that shall be attached to the packages in such a way as to cover the existing label by nine months from the application of this Regulation.

*Article 5*  
**Measurement methods**

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

*Article 6*  
**Verification procedure for market surveillance purposes**

Member States shall apply the procedure laid down in Annex IX when assessing the conformity of the light sources.

*Article 7*  
**Revision**

The Commission shall review this Regulation in the light of technological progress and present the results of this review to the Consultation Forum no later than five years after its entry into force. The review shall in particular assess the energy efficiency classes and the possibility to introduce requirements on circular economy.

In addition, the Commission shall review the label to rescale it when the requirements in Article 11 of Regulation (EU) 2017/1369 are met.

*Article 8*  
**Repeal**

Regulation (EU) No 874/2012 is repealed as of 31 August 2021, with the exception of Articles 3.2 and 4.2 of Regulation (EU) No 874/2012, which are repealed as of the day of entry into force of this Regulation.

*Article 9*  
**Entry into force and application**

1. This Regulation shall enter into force on the 20th day following its publication in the Official Journal of the European Union.
2. It shall apply from 1 September 2021. However:
  - (a) For the purpose of the obligations laid down in Articles 3(1)(a), 3(1)i and 4(e), this Regulation shall apply from 1 June 2022;
  - (b) For the purpose of the obligations laid down in Article 3(1)(b) this Regulation shall apply from 1 May 2021.

This Regulation shall be binding in its entirety and directly applicable in all Member States.  
Done at Brussels,

*For the Commission*  
Jean-Claude JUNCKER  
*The President*